

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Monday, April 1, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME VIII

For the Plaintiff:

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Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
Teresa Whalen, Esquire

Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:06 a.m.)

THE COURT: Good morning, everyone.

MS. HOFFMAN: Good morning, Your Honor.

MR. ENZINNA: Good morning, Your Honor.

THE COURT: All right. Do we have any issues before we continue?

MS. WHALEN: Your Honor, there are two demonstrative pieces of evidence. It's Demonstrative Number 7 that I'll put on the screen here.

THE COURT: If you could move the mic just a little bit. Thank you.

MS. WHALEN: So Number 7 -- basically, the two demonstrative exhibits, number 7 and number 8, I notified the Government that we would object to portions of it.

In the exhibits, the Government, our position is, has taken evidence and drawn a conclusion from the evidence that is really that which the jury should determine from inferences from the evidence; and that is where they're saying 18 text messages between Dante Bailey and James Edwards, from Dante Bailey to James Edwards, from -- you know, in other words, the evidence to date -- and I think throughout the trial -- will be that there is a phone associated with James Edwards. There's a phone associated with Dante Bailey. There is no one who will be able to do what the Government has

1 done here, and that is to say that Dante Bailey made the calls
2 or Dante Bailey made the texts or vice versa.

3 So my objection to the Government was that that should
4 say, Phone, either the number or associated or something like
5 that, rather than invading the province of the jury.

6 Number 8 -- and that's throughout Number 7, the
7 conclusions that have been made.

8 **THE COURT:** Okay.

9 **MS. WHALEN:** Number 8 is very fuzzy. Let's see. I'm
10 not sure how to -- is that getting better? There we go.

11 **THE COURT:** Oh, there we go.

12 **MS. WHALEN:** The same objection, Your Honor, you see
13 text messages between the two individuals, calls from. All of
14 those, I would suggest, should be changed to what the evidence
15 really is.

16 There's one other objection that I want to interpose,
17 too, Your Honor, while I'm up here.

18 There is a jail call transcript -- it is J-23T, which
19 is -- my understanding is that will be played today through the
20 detective, I believe, the Homicide detective.

21 This is between Chicken Box, Mr. Edges, and
22 Mr. Bailey. It's a call from the jail.

23 And, frankly, Your Honor, because of last week, all of
24 the attention on Chicken Box and the concerns that we had that
25 the jury would in some way be intimidated or affected by

1 someone that the Government claims is a member of the
2 conspiracy who is here in the courtroom at the time -- I don't
3 believe he's here currently -- the call, I would suggest, is
4 pretty cumulative to other evidence that the Government has.
5 And it just brings in Chicken Box and the concerns that we had
6 last week, and I would suggest it's somewhat overkill in terms
7 of the cumulative nature of the evidence.

8 There has been an establishment that Mr. Bailey and
9 Chicken Box know each other. The Government has established
10 that Chicken Box was a member of the conspiracy. And like our
11 objections to social media and then just a cumulative social
12 media, I would raise this as being yet another piece of
13 evidence that just doesn't need to be used by the Government
14 and only opens a concern with regard to the jury and the
15 possible feelings of safety that they may or may not be
16 experiencing.

17 **THE COURT:** All right. And this jail call, is that
18 intended to be played -- we have a witness, I believe, to be
19 re-called on the stand, a Homicide detective.

20 **MS. PERRY:** Your Honor, the jail call itself, J-23, I
21 do not intend to play with the Homicide detective.

22 There is a witness who is on our witness list for
23 today who is going to testify about an arrest he made where
24 Mr. Chicken Box, Mr. Edges, was with Mr. Bailey and they had
25 distribution quantities of heroin.

1 They were both arrested at the time, and so I believe
2 that the jail call would be appropriately played through that
3 particular witness. And it offers some additional information
4 that was not -- including conversations about both Black Blood
5 and MMP and other members of MMP, and so we don't intend to
6 play that jail call through the Homicide detective.

7 **THE COURT:** Okay. And what do you think it adds?

8 **MS. PERRY:** The call -- in the call itself, Mr. Bailey
9 and Mr. Chicken Box are discussing that someone is an underboss
10 of Nizzy, who is a member of the gang, and we believe that that
11 is additional information.

12 The last call involving Chicken Box involved a
13 direction by Mr. Bailey to Mr. Edges, and I believe that this
14 is further corroboration that Nizzy is a member of the gang and
15 that they were discussing gang business.

16 **THE COURT:** Okay. Well, let me take a little bit more
17 of a look at it. I will just say, again, regarding any effect
18 on the jury, Mr. Edges, or Chicken Box, is not the gentleman
19 that made the gesture.

20 And, of course, I did instruct the jury that if they
21 had any concerns at all, they should bring them to Ms. Moyé.
22 And we have not -- she has not been approached by any juror.

23 And when will these two demonstratives come?

24 **MS. PERRY:** With respect to the demonstratives, those
25 are exhibits that I do intend -- or intended to introduce

1 through the Homicide detective who is currently in the middle
2 of his direct.

3 It's my position that he will testify -- there will be
4 testimony that he identified particular phone numbers as
5 belonging to particular people, and so that the demonstrative
6 is appropriate, given his testimony.

7 Again, we're seeking to introduce it as a
8 demonstrative, simply as an aid to the jurors to connect the
9 different phone records that I'll show through him and to
10 establish a timeline. I don't intend to seek its admission in
11 its entirety or to send it back to the jury.

12 And I think that given his testimony about who
13 belonged to which phone numbers, that is a clear way to
14 establish that as a demonstrative. And so I do think it is
15 relevant and appropriate.

16 **THE COURT:** Well, I think -- I mean, at this point it
17 will be a little late and it doesn't seem to me to be necessary
18 to change the actual exhibit between now and when this witness
19 is about to resume his testimony.

20 I expect that the Government will make it clear -- and
21 I would be happy to throw in some sort of instruction to the
22 jury, if you want -- that -- but he should make it clear; it is
23 the phone --

24 **MS. PERRY:** Absolutely.

25 **THE COURT:** -- that's in connection with another

1 phone. And ultimately, who was using that phone at the time is
2 up to the jury to decide.

3 **MS. PERRY:** I will certainly make that clear,
4 Your Honor.

5 I did want to raise one other issue --

6 **THE COURT:** Okay.

7 **MS. PERRY:** -- with respect to Detective Kazmarek's
8 testimony.

9 Mr. Bailey did file a motion last week, I believe it
10 was, to preclude any social -- any additional social media
11 exhibits. There are a few additional social media exhibits
12 that I do intend to introduce through the detective. I haven't
13 heard any specific objections to those exhibits.

14 I believe that the motion was based simply on the
15 exhibits being cumulative. They had very specific purposes in
16 this case, one, to establish Mr. Bailey's phone number and
17 another is a photograph of the victim with Mr. Bailey
18 FaceTiming the victim in the casket.

19 And the third is a screenshot of a tweet from the
20 Baltimore Police about the homicide, so I do believe that those
21 are not cumulative exhibits. And we will -- we do intend to
22 introduce them.

23 **THE COURT:** So that's three specific exhibits that --

24 **MS. PERRY:** I believe there's a fourth. It's a video
25 of Mr. Bailey providing his phone number; but yes.

1 **THE COURT:** Okay.

2 **MS. WHALEN:** But I think the first one with the phone
3 number has already been shown to the jury. So if I'm not
4 mistaken, it's the one that has like an O sheet and then
5 there's a phone number. So that, of course, I don't object to.

6 The second one that was mentioned is a screenshot of
7 Mr. Bailey and then the victim in a casket, and I would suggest
8 there's no probative value to that particular exhibit. And if
9 there is, that I would suggest 403 in the weighing of kind of
10 what effect that particular exhibit has. Showing a casket and
11 showing the victim in the casket, I would suggest, is not in
12 any way probative and that the prejudice is substantially
13 outweighed by its probative value.

14 **THE COURT:** Okay. I guess I'm not sure of the
15 particular prejudice -- I mean, I assume that the photograph in
16 the casket is, therefore -- I mean, it's not particularly --
17 it's not like something gory or -- I mean, it's --

18 **MS. WHALEN:** It looks like an individual who's in a
19 casket who has been prepared for burial in a suit and the
20 like -- or I believe it's a suit jacket.

21 But I guess where I'm coming from is: What does that
22 prove? It doesn't prove my client did anything but have some
23 possible sense of feeling for the victim who is in the casket,
24 and that's not something that the Government has to prove in
25 the case.

1 The fact that there is a picture like that doesn't
2 prove that my client killed him or anything with regard to the
3 conspiracy at all.

4 **THE COURT:** Okay.

5 **MS. PERRY:** Your Honor, it is our belief that --
6 certainly, I do not believe that the photo is prejudicial. It
7 is of Mr. Edwards in the casket. It's not gory. It is not
8 anything -- it's certainly less gory than the autopsy
9 photographs which have already been introduced.

10 But it is our position that it is probative that
11 Mr. Bailey has a photograph in his iCloud account of the person
12 he is alleged to have killed and that he has this photograph
13 via FaceTime. It shows both a relationship between Mr. Bailey
14 and the victim, and I believe it is probative of the charges
15 that we are bringing against Mr. Bailey.

16 **THE COURT:** Okay. All right. Well, I agree with the
17 Government about that, and I don't see any 403 problems.

18 So to the extent that these are additional social
19 media instances, they will be allowed in. I'm not ruling on
20 the rest of Ms. Whalen's motion about the social media more
21 generally at this point.

22 **MR. HAZLEHURST:** Your Honor, one more mundane issue.
23 My chair is located directly over a junction box, and
24 apparently my chair rolled into the junk box. And when I drew
25 back, it looks like it broke the connector for our monitor. So

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1 we are out of a monitor at this point.

2 **THE COURT:** Okay. Well, if there's another monitor
3 not too far away that's still working, perhaps we can wait
4 until a break and -- unless it's just a matter of plugging
5 something back in.

6 **MR. HAZLEHURST:** I tried. I think it actually broke
7 the connector when I rolled back.

8 **THE CLERK:** Let me take a look.

9 **THE COURT:** Ms. Moyé will take a look.

10 (Pause.)

11 **THE COURT:** All right. Is the witness available to
12 get back on the stand?

13 **MS. PERRY:** Yes.

14 **THE COURT:** And we'll get the jury.

15 (Jury entered the courtroom at 10:21 a.m.)

16 **THE COURT:** Welcome back, ladies and gentlemen.
17 We'll be continuing with the witness.

18 **THE CLERK:** Detective, you're still under oath.

19 **THE WITNESS:** Yes, ma'am.

20 DETECTIVE CHRISTOPHER KAZMAREK, GOVERNMENT'S WITNESS,
21 PREVIOUSLY SWORN.

22 DIRECT EXAMINATION (CONTINUED)

23 **BY MS. PERRY:**

24 **Q.** Good morning.

25 **A.** Good morning.

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1 Q. On Thursday, I believe when we left off we were discussing
2 the crime scene at the 300 block -- in the 300 block of
3 Collins Avenue.

4 And I believe we had just talked about the hat that was
5 recovered from the steps of 312 Collins Avenue, and I had read
6 a stipulation that DNA from the hat came back as belonging to
7 someone named Ali Abdul-Hamid.

8 Do you recall that?

9 A. Yes, ma'am.

10 Q. So I want to turn your attention back to Government's
11 Exhibit CS-2-2.

12 Can you remind us, using CS-2-2, if I could switch it
13 over.

14 Okay, looking at CS-2-2, can you remind us where the blood
15 trail began.

16 A. Kind of began up here on the sidewalk (indicating) and
17 then continued that way (indicating). Whoop.

18 Q. And where do the ballistics sort of lead the crime scene?

19 A. They started, you know, kind of where the blood was and
20 started and also took the same path as the -- the blood
21 (indicating).

22 Q. And ultimately where did Mr. Edwards' body end up?

23 A. Back over in here (indicating).

24 Q. And where was this hat that we were discussing?

25 A. On the front steps over here (indicating).

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1 Q. Detective, did you interview the individuals who lived at
2 312 Collins Avenue?

3 A. Yes. We spoke to 'em.

4 Q. And what was the name of the person who lived there?

5 A. Ms. Fatima Hamid.

6 Q. Now, I want to switch gears for a moment.

7 During your investigation into the homicide of
8 James Edwards, were you able to determine the phone number that
9 Mr. Edwards was using at the time?

10 A. Yes.

11 Q. And did you obtain call-detail records for that particular
12 phone number?

13 A. Yes.

14 Q. So I'm going to show you what's been marked as
15 Government's Exhibits CDR-1 for identification only, as well as
16 CDR-1-A and CDR-1-B.

17 MS. PERRY: Permission to approach?

18 THE COURT: Yes.

19 BY MS. PERRY:

20 Q. (Hanging.)

21 Looking, first, at CDR-1, is that the disc in front of
22 you?

23 A. Yes, ma'am.

24 Q. And is -- do you know what's contained on this disc?

25 A. It's a copy of all the call records.

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1 Q. Is it certified records for the phone you determined
2 belonged to Mr. Edwards?

3 A. Yes.

4 Q. And looking at CDR-1-A, is this an excerpt from those
5 phone records?

6 A. Yes.

7 Q. And are those calls, an excerpt of the calls made from
8 that particular phone, to and from that particular phone?

9 A. Yes, ma'am.

10 Q. And looking at CDR-1-B, is that also an excerpt from the
11 phone records?

12 A. Yes.

13 Q. And is that an excerpt of the text messages to and from
14 the phone?

15 A. Yes.

16 Q. Detective, what was the phone number James Edwards was
17 using?

18 A. 410 -- (410) 259-8098.

19 Q. Now, I'm going to come back to Mr. Edwards' records in a
20 few minutes, but I want to discuss a few other individuals.

21 I'm going to show you IND-3.

22 Do you recognize this person?

23 A. Yes.

24 Q. Who is this?

25 A. Dante Bailey.

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1 Q. I'm going to show you Government's Exhibit IND-94.

2 Do you recognize this person?

3 A. Yes.

4 Q. Who is this?

5 A. Dominick Wedlock.

6 Q. And did you become familiar with a nickname for
7 Mr. Wedlock?

8 A. Yes.

9 Q. What was that?

10 A. Nick.

11 Q. And finally, I'm going to show you IND-80.

12 Do you know who this is?

13 A. Yes.

14 Q. Who is this?

15 A. Jamal Smith.

16 Q. And do you know if Mr. Smith went by a nickname?

17 A. Yes.

18 Q. What was that?

19 A. Mal.

20 Q. Over the course of your investigation, did you learn which
21 phone number Dante Bailey was using at the time that
22 James Edwards was killed?

23 A. Yes.

24 Q. I'm going to first show you Government's Exhibit IC-33,
25 which has come in as an exhibit from Dante Bailey's

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iCloud account.

(Video was played but not reported.)

BY MS. PERRY:

Q. Do you recognize the person in this particular exhibit?

A. Yes.

Q. Who is that?

A. Dante Bailey.

Q. And what did Mr. Bailey just provide?

A. His phone number.

Q. I'm going to show you another exhibit that's in evidence from Dante Bailey's iCloud account. This is IC-2.

Looking down at the bottom of IC-2, do you see a number?

A. Yes.

Q. What number is that?

A. (443) 415-9975.

Q. And do you recognize that number?

A. Yes.

Q. What do you recognize that number to be?

A. Dante Bailey's phone number.

Q. Now, I want to show you what's already in evidence as Government's Exhibit CELL-A [sic]. It's a download of a phone recovered from Dominick Wedlock on February 12th of 2015.

Starting, first, with the date, when is this in relation to the murder of James Edwards?

A. It's the same day.

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1 Q. And looking up here at the top of this exhibit, do you see
2 a contact for the name Big Bruh?

3 A. Yes.

4 Q. And what's the phone number for Big Bruh?

5 A. (443) 415-9975.

6 Q. And do you recognize that phone number?

7 A. Yes.

8 Q. What do you recognize that number to be?

9 A. Dante Bailey's phone number.

10 Q. Now, looking down here, do you see a contact for
11 Bruh Mall?

12 A. Yes.

13 Q. And do you see a phone number?

14 A. Yes.

15 Q. What's that phone number?

16 A. (443) 760-8656.

17 Q. And remind us, who is -- what is Mal a nickname for?

18 A. Jamal Smith.

19 Q. And finally looking down here, do you see a contact for an
20 individual listed as Bruh Nizz?

21 A. Yes.

22 Q. And what is the phone number associated with Bruh Nizz?

23 A. (667) 207-4928.

24 Q. Detective, did you have an opportunity to physically
25 examine this cell phone, CELL-16?

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1 A. Yes.

2 Q. And did you look at the actual phone calls in the call
3 logs of this cell phone?

4 A. Yes.

5 Q. And did the phone call log include calls for February 12th
6 of 2015 and February 11th of 2015?

7 A. Yes.

8 Q. And did you compare the logs in the phone to the logs
9 contained on the last page of Government's Exhibit CELL-16-A?

10 A. Yes.

11 Q. And is the information contained in the chart in CELL-16-A
12 accurate as compared to the phone?

13 A. Yes.

14 Q. Okay. So I'm going to turn to the last page of CELL-16-A.

15 Looking up here at the first three calls in this
16 particular list, can you tell us what we're looking at here.
17 The first one, is that an incoming call or an outgoing call?

18 A. That's an incoming call.

19 Q. From who?

20 A. Big Bruh.

21 Q. And what time is that call?

22 A. 12:16 a.m.

23 Q. And when is that in relation to the murder of Mr. Edwards?

24 A. A little less than an hour before the call came out for
25 the shooting.

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1 Q. And the second entry, is that an incoming call or an
2 outgoing call?

3 A. That's an outgoing call.

4 Q. To who?

5 A. Big Bruh.

6 Q. And what time was that call?

7 A. 12:23 a.m.

8 Q. And, finally, the third one, is that an incoming call or
9 an outgoing call?

10 A. Outgoing call.

11 Q. To who?

12 A. Bruh Mal.

13 Q. And what time was that?

14 A. 12:26 a.m.

15 Q. Detective, did you review call-detail records for the
16 phone number that you've given us as Dante Bailey's phone
17 number?

18 A. Yes.

19 Q. And did you compare those records in the call log -- did
20 you compare those records for Mr. Bailey's phone with the
21 records in the call log we just looked at for Mr. Wedlock's
22 phone?

23 A. Yes.

24 Q. And based on the comparison of call times, were you able
25 to determine the phone number Mr. Wedlock was using at the

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1 time?

2 **A.** Yes.

3 **Q.** Did you also look at the records we've been discussing to
4 see if there are contacts between Mr. Bailey's phone and
5 Mr. Edwards' phone on the night of the homicide?

6 **A.** Yes.

7 **Q.** And did you also look to determine if there were contacts
8 with some of the other individuals we've been discussing?

9 **A.** Yes.

10 **Q.** So I want to turn your attention back to CDR-1-B, which
11 you've told us was an excerpt from Mr. Edwards' phone records.

12 Remind us, is this an excerpt of the text messages for
13 Mr. Edwards' phone number?

14 **A.** Yes, ma'am.

15 **Q.** So starting up here at the top, what is the earliest date
16 we're looking at in this excerpt?

17 **A.** February 7th, 2015.

18 **Q.** And I see -- we can see that there's a number highlighted.
19 Whose number is that?

20 **A.** Dante Bailey.

21 **Q.** Now, I want to turn to the last page of this exhibit,
22 Page 11.

23 What time frame are we looking at here, starting with the
24 highlighted numbers?

25 **A.** It's February 11th, 2015, at 11:05 -- yeah, 11:05 p.m.

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1 Q. And who are these -- and what is the time of the last
2 contact?

3 A. 11:22 p.m.

4 Q. And who are these contacts between?

5 A. Between James Edwards and Dante Bailey.

6 Q. Remind us what time the 9-1-1 call came in.

7 A. Right around 1:00 a.m.

8 Q. Now, are there any text messages that you were able to
9 determine between Dante Bailey's phone number and Mr. Edwards'
10 phone number after this last one at 11:22 p.m.?

11 A. No.

12 Q. Is this, in fact, the last -- this 12 -- 2/12 at 12:05, is
13 that the last record for Mr. Edwards' phone?

14 A. Yes.

15 Q. I'm sorry. Now, I want to turn back to Government's
16 Exhibit CDR-1-A, which you identify as another excerpt from
17 Mr. Edwards' phone.

18 Are these the calls for Mr. Edwards' phone, an excerpt of
19 the calls?

20 A. Yes.

21 Q. And starting at the top, what is the date we're starting
22 at here with this excerpt?

23 A. February 8th, 2015, at 9:47 p.m.

24 Q. And do you see a highlighted number on these records?

25 A. Yes.

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1 Q. Now, I want to show you Government's Exhibit CDR-3-A.

2 Actually, let me show you CDR-3-B. My apologies.

3 Do you see a phone number here (indicating)?

4 A. Yes.

5 Q. What's that number?

6 A. 5 -- or (443) 564-0387.

7 Q. And who does this number belong to?

8 A. William Banks.

9 Q. So turning back to CDR-1-A, can you tell us, based on
10 that, who this highlighted number belongs to.

11 A. William Banks.

12 Q. So I want to turn to Page 19 of this exhibit.

13 Can you tell us what time frame we're looking at here.

14 A. February 11th, 2015, from 11:37 p.m. to February 12th,
15 2015, to 11:13 a.m.

16 Q. And so does this time frame we're looking at here capture
17 the time of Mr. Edwards' murder?

18 A. Yes.

19 Q. And if we look over here at the right of this exhibit,
20 there appears to be a long list of calls where the calling
21 number ends in 8098. Whose number is that?

22 A. James Edwards.

23 Q. And have you reviewed these records before coming to court
24 today?

25 A. Yes.

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1 Q. Are there any calls made from Mr. Edwards' phone after
2 this particular call?

3 A. No.

4 Q. But can we see other calls made to Mr. Edwards' phone
5 after this particular call?

6 A. Yes.

7 Q. And looking now at Page 12 and 13, were any of the calls
8 made after that particular time from Dante Bailey's phone
9 number?

10 A. No.

11 Q. But we can see one from Mr. Banks' phone number?

12 A. Yes.

13 Q. So at this point I want to show you Government's
14 Exhibit DEM-7.

15 Do you recognize this exhibit?

16 A. Yes.

17 Q. And is this a summary of the information that we were just
18 discussing?

19 A. Yes.

20 Q. Is it an accurate reflection of the information contained
21 in the records that we have been talking about?

22 A. Yes.

23 Q. And just to be clear, down here where it says things like
24 "from Dante Bailey to James Edwards," what you're really saying
25 is that it was something from Dante Bailey's phone number or

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1 the phone number you identified as Dante Bailey's to the phone
2 number you identified as Mr. Edwards' number?

3 A. Yes, ma'am.

4 Q. The same with things to Mr. Wedlock, those were to the
5 phone numbers?

6 A. Yes.

7 Q. Okay. So looking down at these first couple of boxes, can
8 you summarize.

9 A. Yeah. That's -- the messages between Dante Bailey and
10 James Edwards started at 11:05 p.m. on February 11th, and they
11 go -- there's 18 of 'em that go back and forth until 11:22 p.m.
12 on February 11th.

13 Q. And 11:22 p.m., is that the last communication between
14 those two phone numbers?

15 A. Yes, ma'am.

16 Q. And between 11:22 p.m. and the time that the 9-1-1 call
17 came in, do we see additional phone activity between numbers
18 belonging to people we've been discussing?

19 A. Yes, ma'am.

20 Q. So I'm going to turn your attention now to DEM-8.
21 Do you recognize this exhibit?

22 A. Yes, ma'am.

23 Q. And is this the same information we were just looking at
24 in DEM-7, sort of explained a different way?

25 A. Yes.

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1 Q. And so can you walk us through -- and, again, just to be
2 clear with DEM-8, where it says things like "text messages
3 between Bailey and Bangout," those are text messages identified
4 between the number you identified as Mr. Bailey's number and
5 the number you identified as Mr. Edwards' number?

6 A. Yes, ma'am.

7 Q. Can you walk us through what we're looking at in DEM-8.

8 A. Yeah. It's just a timeline from February 11th to
9 February 12th of 2015. It shows that on February 11th, 2015,
10 at 11 -- starting at 11:00 p.m. until about 11:30 p.m., you
11 have the text messages between Dante Bailey and the victim,
12 Mr. Edwards. And then from 12:00 a.m. to 12:30, you have all
13 the cell -- the contact between Mr. Bailey, Bruh Nizz,
14 Dominick Wedlock. And then the calls between Dominick Wedlock
15 and Jamal Smith. And then at 1:00 a.m. is the 9-1-1 call
16 reporting the shooting.

17 Q. Now, Detective, after the 9-1-1 call reporting the
18 homicide, did Dante Bailey's phone ever contact James Edwards'
19 phone number?

20 A. No.

21 Q. I want to play you a couple of calls that have come into
22 evidence as Government's Exhibit JAIL-1. This is J-14. And
23 the transcript of J-14 can be found in the jail call
24 transcript -- jail call tab of the transcript binders on
25 Page 45.

~~KAZMAREK - DIRECT~~

1 So first pulling up J-14.

2 Now, looking at the transcript, first, over here on the
3 right side, can you tell us the number dialed.

4 **A.** (667) 207-4928.

5 **Q.** And turning back for just a moment on the left side to
6 DEM-7, is that a number that was identified as Bruh Nizz?

7 **A.** Yes.

8 **Q.** And what is the date and time of this particular call?

9 **A.** February 19th, 2015.

10 **Q.** I'm going to play the call starting at about 2 minutes and
11 30 seconds in.

12 (Audio was played but not reported.)

13 **MS. PERRY:** I'm going to pause it there.

14 **BY MS. PERRY:**

15 **Q.** Detective, did you hear where the individual on the call
16 said [reading]: Yeah, he got shot one time in the face, three
17 in the head, three in the chest?

18 **A.** Yes.

19 **Q.** Is that consistent with the evidence in this -- of
20 Mr. Edwards' murder?

21 **A.** It's fairly close, yeah.

22 **Q.** And I believe that you testified last week that only
23 certain evidence is released to the public. Are the numbers
24 and locations of the gunshot wounds released?

25 **A.** No. We don't even release that to the family.

~~KAZMAREK - DIRECT~~

1 Q. And now I want to turn to J-15, is another jail call.
2 This one can be found on Page 47 of the transcript binders in
3 the same tab.

4 I'm going to play this call starting at about 6:55 into
5 the call.

6 But can you tell us first what the inmate calling's name
7 is.

8 A. Sydni Frazier.

9 Q. And what was the time and date of this call?

10 A. February 22nd, 2015, at 1:07 p.m.

11 (Audio was played but not reported.)

12 BY MS. PERRY:

13 Q. Detective, I want to now show you what is an exhibit,
14 again from the certified records of Dante Bailey's
15 iCloud account. This is IC-71.

16 Do you recognize the people in IC-71?

17 A. Yes.

18 Q. Can you tell us what we see in IC-71 or who's in IC-71.

19 A. The top left corner, smaller picture, that's Dante Bailey.
20 And then the larger picture, that's James Edwards lying in the
21 casket.

22 Q. I'll show you a couple more exhibits.

23 This is IC-69, also from the iCloud account.

24 Can you tell us what we're looking at here.

25 A. Yeah. It's a Twitter feed from Baltimore Police, just

~~KAZMAREK - DIRECT~~

1 announcing that there was a homicide in the 300 block of
2 Collins Avenue. And it just states an adult male was shot in
3 the head, and it was dispatched at 1:01.

4 **Q.** Now, does this appear to be a screenshot from that Twitter
5 feed?

6 **A.** Yes.

7 **Q.** And do you see a timestamp at the top of this?

8 **A.** 11:20 a.m.

9 **Q.** Was 11:20 a.m. before the victim's name was released?

10 **A.** Yes.

11 **Q.** I'm going to show you IC-69-A.

12 What are we looking at here? Is this metadata from that
13 particular exhibit?

14 **A.** Yes.

15 **Q.** And looking over here at the date, can you see where it
16 says --

17 **A.** Yeah. It says, 2/12/15, 11:20 a.m.

18 **Q.** And, finally, turning to IC-69-B, can you see the modified
19 date.

20 **A.** Yes. Thursday, February 12th, 2015, at 11:20 a.m.

21 **MS. PERRY:** Nothing further. Thank you.

22 **THE COURT:** Thank you.

23 Ms. Whalen.

24 **MS. WHALEN:** Thank you, Your Honor.

~~KAZMAREK - CROSS~~

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good morning, Detective.

A. Good morning, ma'am.

Q. Let's go back in general. You were just shown some iCloud or IC exhibits. I think they were 71, 69-A and B. Those are not exhibits that you garnered or collected in your homicide file; is that correct?

A. Correct.

Q. They were actually provided to you by whom?

A. The AUSAs.

Q. Okay. And so prior to -- well, let me just ask you: You in 2012 conducted a homicide investigation to determine who, if you could, killed James Edwards; right?

A. Yes.

Q. And then at some point -- you did not make an arrest; is that correct?

A. No.

Q. And at some point you probably had to kind of move on to other cases; is that correct?

A. Yeah. I mean, I had other cases after this, yes.

Q. Sure. And at some point you were contacted by the Assistant United States Attorneys or the federal authorities about the case; right?

A. Yes.

~~KAZMAREK - CROSS~~

1 Q. And then they assumed the investigation; is that correct?

2 A. I don't think you could say they assumed it. I mean,
3 they -- it was kind of -- they helped out with it.

4 Q. Okay. So they collected the iCloud things and gave them
5 to you for you to testify about; right?

6 A. Yes. I reviewed it.

7 Q. And same with the phone number charts that you saw here
8 this morning, the charts that say "to" and "from" and the phone
9 calls between the various phones; you didn't prepare that
10 chart, did you?

11 A. No, I didn't put that chart together, no.

12 Q. Okay. That was provided to you so that you could testify;
13 is that correct?

14 A. Yes.

15 Q. And, also, the chart that was a timeline that was blue
16 that had faces and phone numbers, did you prepare that chart?

17 A. No.

18 Q. That was provided, again, by someone else for you --

19 A. Yes.

20 Q. All right. Now, with regard to the phone calls, you took
21 a look at and you showed us here today call-detail records;
22 right?

23 A. Yes.

24 Q. And those call-detail records indicate from the phone
25 company when a connection is made between two call -- or two

~~KAZMAREK - CROSS~~

1 phones; right?

2 A. Yes.

3 Q. So it would -- anytime a text was sent, it would show
4 that; is that correct?

5 A. Yes.

6 Q. And anytime one phone number -- let's take 9975, and that
7 phone number connected with another phone number; correct?

8 A. Yes.

9 Q. All right. So attempts to make a phone call that do not
10 connect are not going to be shown on call-detail records;
11 right?

12 A. No. I believe it still shows. It just doesn't show the
13 duration is that long.

14 Q. Well, did you not just tell me that it is the connection
15 that is actually captured on the call-detail records?

16 A. Yeah. I said the connection, but you didn't ask if the
17 connection and numbers that don't get connected.

18 Q. Well, if you make a phone call and the other person
19 doesn't answer, that is not a connection; is that correct?

20 A. Well, no, that's not a connection, no.

21 Q. All right. So that when you tell us that that 9975 number
22 that you believe was associated with Mr. Bailey did not make
23 any more phone calls to James Edwards' number, right, what
24 you're saying is that there was no connection between those two
25 phone numbers; right?

~~KAZMAREK - CROSS~~

1 **A.** Yes.

2 **Q.** And James Edwards was found without a phone; correct?

3 **A.** Yes.

4 **Q.** And you never were able to find his phone; correct?

5 **A.** No.

6 **Q.** And you believed that it was likely that whoever killed
7 him took that phone; right?

8 **A.** Yeah, you could say that.

9 **Q.** Now, I'm going to show you -- and I apologize in advance
10 because this will take a few minutes to go through some of
11 these records.

12 I'm going to show you what's marked as
13 Defendant's Exhibit 6.

14 **MS. WHALEN:** Court's indulgence.

15 **BY MS. WHALEN:**

16 **Q.** Okay. Now, Defendant's Exhibit Number 6 I'm going to put
17 right in front of you, sir. This, if you look at it, appears
18 to be the chart that you showed us before; correct?

19 **A.** Yes.

20 **Q.** And there's some highlighting on it; right?

21 **A.** Yes.

22 **Q.** All right. So the number that you think Bruh Nizz had was
23 ending in 4928 -- let me just show you a better copy with the
24 highlighting.

25 Okay. Highlighted in orange, do you see that?

~~KAZMAREK - CROSS~~

1 **A.** Yes.

2 **Q.** And then a number associated with Nick highlighted in
3 pink; right?

4 **A.** Yeah. Yes.

5 **Q.** And then the number down at the bottom, 8098 that you
6 believe was Mr. Edwards', that's just underlined in black;
7 correct?

8 **A.** Yes, ma'am.

9 **Q.** All right. Now, bear with me as I go through.

10 You found through all these records that James Edwards and
11 Dante Bailey were in contact with each other fairly frequently;
12 right?

13 **A.** Yes.

14 **Q.** Okay. Let's highlight February, February 1st on. Did you
15 look through the records and see how much they contacted each
16 other?

17 **A.** I can't give you an exact number, no.

18 **Q.** All right. I'm going to show you, starting on -- this is
19 the call-detail records for 9975. And do you see this is a
20 period of February 1st, 2015?

21 **A.** Yes.

22 **Q.** All right. I'm having trouble with my focus when I zoom.
23 Let me just try it better.

24 Can you see that fine?

25 **A.** Yeah, that's fine now.

~~KAZMAREK - CROSS~~

1 Q. All right. And so the black underline shows that there
2 was contact between 8098 and 9975 on February 1st, 2015; is
3 that correct?

4 A. Yes.

5 Q. And it was a text; is that right?

6 A. Yes.

7 Q. Now, of course, there is no way to recover the substance
8 of the text; is that correct?

9 A. No.

10 Q. And same with the phone calls, it's not like a wiretap
11 when you're actually in realtime capturing the conversation of
12 two people on a phone; right?

13 A. Correct.

14 Q. All right. So these are just records that are kept as to
15 when a call is made, correct, or a text?

16 A. Yes, ma'am.

17 THE CLERK: Ms. Whalen, are you marking that as an
18 exhibit?

19 MS. WHALEN: Yes, Defendant's Exhibit 6, please.

20 THE COURT: 6.

21 THE CLERK: Okay. So it's part of what you previously
22 showed?

23 MS. WHALEN: Yes. This is all one exhibit.

24 THE CLERK: Okay.

25 MS. WHALEN: Thank you.

~~KAZMAREK - CROSS~~

1 **BY MS. WHALEN:**

2 **Q.** All right. Now, I'm going to show you Page 5 of the
3 exhibit. And does that appear to be February 2nd?

4 **A.** Yes.

5 **Q.** I'll try to focus this a little better.

6 Can you see that a little --

7 **A.** Yeah. Right there is good.

8 **Q.** All right. And, of course, there's a contact between
9 those two phone numbers February 2nd, and that's a voice call;
10 is that correct?

11 **A.** Yes.

12 **Q.** Let's go to Page 6 of that exhibit.

13 And do you see contact between those two phones underlined
14 on February 3rd (indicating)?

15 **A.** Yes.

16 **Q.** Three texts; right? Actually, four texts.

17 **A.** Yes.

18 **Q.** And then do you see farther down February 4th texts
19 between the two individuals or the two call -- numbers?

20 **A.** Yes.

21 **Q.** Going to Page 7.

22 And, again, these numbers that I'm showing you are the
23 number for Mr. Edwards and the number that you believe was for
24 Mr. Bailey; correct?

25 **A.** Yes, ma'am.

~~KAZMAREK - CROSS~~

1 Q. On February 4th, do you see another voice call?

2 A. Yes.

3 Q. And then farther down, do you see there are texts on
4 February 4th?

5 A. Yes.

6 Q. Now, did you also come to find out that it was not unusual
7 or there were some contacts between the number associated with
8 Dominick Wedlock and the number associated with Davon Temple,
9 or Nizz?

10 A. I'm sorry. What?

11 Q. Did you realize or learn when you went through those
12 call-detail records that the number 4928, which is Page 1 of
13 the exhibit, Nizz, and the number 9576, Nick, were also in
14 contact with a number associated with Mr. Bailey at other times
15 other than on February 11th and 12th at the time prior to
16 Mr. Edwards' killing?

17 A. Yes. I mean, I wasn't surprised by that.

18 Q. And so showing you Page 8 of the exhibit, on February 5th
19 there's contact between the 9975 number and the 9576 number in
20 pink; is that correct?

21 A. Yes, ma'am.

22 Q. And the same on that same date between the number 4928 and
23 9975?

24 A. Yes.

25 Q. And, again, bear with me. There's a few more, Detective.

~~KAZMAREK - CROSS~~

1 This would be Page 9 of the exhibit. Again, going back,
2 the black underline is the James Edwards phone. And do you see
3 that on February 5th, there is a text?

4 A. Yes.

5 Q. And, again, on the 6th, they have a -- they text each
6 other again?

7 A. Yes.

8 Q. Farther down on the page, there's a text -- several
9 different texts on February 6th of 2015?

10 A. Yes.

11 Q. Now, did you learn in the course of your investigation
12 that Mr. Bailey and Mr. Edwards would sometimes hang out
13 together at a recording studio? I think it's on West Lanvale
14 or twenty --

15 A. Yeah.

16 Q. You did?

17 A. Yes.

18 Q. Okay. And they were actually doing -- well, do you know,
19 were they producing rap?

20 A. I knew they did rap. I don't know who's producing and
21 who's rappin' or what -- what was what, but . . .

22 Q. Okay. And let's go back to February 6th. I think you
23 mentioned that there were some texts between the number for
24 Mr. Edwards and the number for Mr. Bailey; correct?

25 A. Yes.

~~KAZMAREK - CROSS~~

1 Q. Page 11 of this exhibit.

2 Okay. So at the top, on February 6th, there's contact
3 between that 4928 number and the 9975 number; right?

4 A. Yes.

5 Q. Okay. And earlier I think we established that that phone
6 number was the number for Bruh Nizz; right?

7 A. Yes, ma'am.

8 Q. And then, again, in the black underline, a voice call on
9 February 6th between the 9975 number and Mr. Edwards' number?

10 A. Yes.

11 Q. And farther down, on February 7th, another voice call;
12 right?

13 A. Yes.

14 Q. Page 12 of this exhibit. You see on February 8th there
15 are texts between the two, 9975 and 8098?

16 A. Yes.

17 Q. On Page 13 of this exhibit, do you see at the top, again,
18 on February 8th a text between -- well, actually several texts
19 between Mr. Edwards' phone and 9975?

20 A. Yes.

21 Q. Going farther down, do you see the pink highlight, the
22 February 8th contact between 9975 and, again, pink phone being
23 that phone of Nick?

24 A. Yes.

25 Q. Page 14 of the exhibit, on February 9th, again, a text

~~KAZMAREK - CROSS~~

1 between 9975 and Mr. Edwards' phone; is that correct?

2 **A.** Yes.

3 **Q.** And then February 9th, several different texts and voice
4 calls between the phone associated with Nick and 9975; correct?

5 **A.** Yes, ma'am.

6 **Q.** I'll try to do this a little faster.

7 February 9th, do you see contact between Mr. Edwards'
8 phone and 9975?

9 **A.** Yes.

10 **Q.** Page 16, here we are on February 10th, again, Mr. Edwards'
11 phone and Mr. Bailey's phone; correct?

12 **A.** Yes.

13 **Q.** Page 17 of the exhibit, highlighted again numerous
14 contacts on February 10th and into February 11th between
15 Mr. Edwards' phones and the 9975 phone; correct?

16 **A.** Yes.

17 **Q.** Including down in the very bottom, these are texts in the
18 morning of February 11th; is that correct?

19 **A.** Yes.

20 **Q.** February 11th on Page 18, there's a contact between the
21 997 phone and that phone that earlier we established was a
22 phone associated with Bruh Nizz?

23 **A.** Yeah.

24 **MS. WHALEN:** Court's indulgence.

25 **BY MS. WHALEN:**

~~KAZMAREK - CROSS~~

1 Q. All right. And in general, if you know, were there some
2 other contacts that I haven't even put up on the screen between
3 all of those numbers that were associated with the people that
4 you've indicated?

5 A. I'm sorry. What?

6 Q. On other dates, without us tediously going through the
7 call-detail records, did you determine that there were contacts
8 between the number associated with Bruh Nizz and the 9975
9 number and that of Wedlock and the 9975 number?

10 A. I'd have to review all the records to give you dates and
11 times.

12 Q. Okay. I'm just asking in general, were there others than
13 I have shown us here?

14 A. I mean, the ones you showed me, I mean, the records only
15 go back to the 1st of February.

16 Q. All right. Now, you indicated that or you were actually
17 shown a transcript and listened to a call that was jail
18 transcript J-14T.

19 And just so that we can be reminded which one it is, let
20 me put this up here, February 19th, 2015, Davon Temple and
21 Avery Douglas.

22 Do you recall that?

23 A. Yes, ma'am.

24 Q. And they're talking about Bangout; right?

25 A. Yes.

~~KAZMAREK - CROSS~~

- 1 Q. Now, this is eight days after Mr. Edwards' death; correct?
- 2 A. I believe it's seven days.
- 3 Q. Seven days. Well, okay. So February 11th into the 12th,
- 4 the 12th being the full day, and then the 19th is seven or
- 5 eight days, whichever -- however you count it; correct?
- 6 A. Well, the shooting happened on the 12th at 1:00 a.m., so
- 7 that would be seven days on the 19th.
- 8 Q. All right. Now, you've told us that you do not release --
- 9 "you" meaning the police department -- do not release specifics
- 10 about a homicide; right?
- 11 A. Yes.
- 12 Q. But we saw the Twitter feed actually indicated someone was
- 13 shot in the head; right?
- 14 A. Yeah; it didn't say how many times.
- 15 Q. Sure. But it did indicate shot in the head; right?
- 16 A. Yes.
- 17 Q. Now, even though you try very hard to control what facts
- 18 go out to the public, sometimes other facts do go out to the
- 19 public or they spread around; correct?
- 20 A. Like what kind of facts? I don't -- I don't know what you
- 21 mean.
- 22 Q. Well, let's go -- let's go back a minute.
- 23 You try to control that because you're wanting to know
- 24 like, for instance, if someone confesses to a crime, if they
- 25 have particular detail that you can be certain, oh, that's --

~~KAZMAREK - CROSS~~

1 they're talkin' about the Collins Avenue shooting; correct?

2 **A.** Yes.

3 **Q.** All right. And the fact that you try to control it
4 sometimes gets messed up because word spreads about how someone
5 dies or maybe even who did it or particular details that you
6 really didn't want out in the public; right?

7 **A.** Yeah. I mean, I try my best. And, you know, my squad and
8 all, we don't release information. I mean, as far as other
9 people . . .

10 **Q.** But sometimes you find out that, oh, you know, the doctors
11 that are treating at the hospital might tell a family member
12 what happened; right?

13 **A.** Well, in this case the family never showed up at the
14 hospital, so that wouldn't have been the case.

15 **Q.** All right. And you sometimes find out that, for instance,
16 people around the neighborhood or who have talked to the police
17 there or who have seen what's going on might have some details;
18 correct?

19 **A.** Well, not unless the person's standing right there, and in
20 this case none of the citizens were standing out on the street.
21 And the police didn't actually know where the wound locations
22 were.

23 **Q.** Sure. But there were people -- I mean, this happened like
24 right in front of 310 Collins Avenue and 312, sort of in front
25 to the side; correct?

~~KAZMAREK - CROSS~~

1 **A.** Yeah; but if you listen to the 9-1-1 call, the lady calls
2 and said the gentleman is on the ground between the houses, so
3 she didn't actually see the shooting in front of her house.

4 **Q.** And sometimes you have found out that funeral directors or
5 people who work for the funeral home might tell family members
6 what they saw in terms of wounds; correct?

7 **A.** Well, you keep saying did I find out. I've never had that
8 happen.

9 **Q.** Okay.

10 **A.** But I'm not saying it can't happen.

11 **Q.** Sure.

12 **A.** But, you know, you're saying did I find out, and I've
13 never said that yet.

14 **Q.** All right. Fair enough.

15 That could happen. You personally have not been involved
16 in that kind of escape of information; is that what you're
17 telling us?

18 **A.** Yes, ma'am.

19 **Q.** Okay. Now, the other call that we listened to was also --
20 well, do you remember the date right now?

21 **A.** I'm sorry?

22 **Q.** The other call that you listened to, do you remember the
23 date?

24 **A.** I believe it was the 22nd.

25 **Q.** Okay. Of February?

~~KAZMAREK - CROSS~~

1 A. Yes, ma'am.

2 Q. So even farther out; correct?

3 A. (No response.)

4 Q. Now, Detective, looking at CS-2-3, this is the photo that
5 you indicated had some blood on the sidewalk; correct?

6 A. Yes, ma'am.

7 Q. And then it also has some of the ballistics that you
8 found; correct?

9 A. Yes.

10 Q. And they're actually referenced by the yellow signs, 1, A,
11 2; correct?

12 A. Yes. Any numbered signs would be ballistic evidence.
13 Letters would be any physical evidence other than ballistics.

14 Q. And last week you told us that sometimes when there is a
15 live cartridge -- or a bullet, let's call it that -- that is
16 found, it could be because the gun jammed; is that correct?

17 A. Yes.

18 Q. And it could be because someone just dropped one, right, a
19 bullet?

20 A. Yeah.

21 Q. You know, for instance, if they had extra bullets in their
22 coat pocket, they might drop one?

23 A. Yeah. I guess if they're carrying around extra bullets in
24 their pocket, they could.

25 Q. All right. But it could also be, you know, certainly that

~~KAZMAREK - CROSS~~

1 the gun jammed and that the gun itself ejected the bullet; is
2 that correct?

3 A. Yes.

4 Q. Or the person had to eject it himself, like take it out;
5 right?

6 A. Well, generally, you have to pull the slide back to eject
7 the bullet if it's -- if it's jammed in this -- in the gun.

8 Q. And as an experienced Homicide detective, this kind of a
9 scene here, that would lead you to conclude that the person
10 that was shooting was likely shooting from somewhere nearby; is
11 that correct? Let's start with that.

12 A. Yeah.

13 Q. Okay. And probably somewhere in this area where I'm
14 holding my pen (indicating); correct? Can you see my pen?

15 A. Yeah, I can see your pen. I'm not going to say right
16 there. I mean, generally, anything's going to eject out of the
17 gun, everything ejects to the right side. So with the first
18 round being here (indicating), I would say they were probably
19 standing somewhere around in here (indicating). But, I mean,
20 things get kicked, so I can't say exactly where the person was
21 standin'.

22 Q. Okay.

23 A. But they were in that general area, but --

24 Q. But if a gun jammed and a bullet was ejected, you would
25 not, for instance, unless it was kicked, expect to find it

~~KAZMAREK - CROSS~~

1 20 yards down from where the gun actually was being held, would
2 you?

3 **A.** No.

4 **Q.** Okay. And if you did find it that far down, you would
5 make some assumption, based upon the blood being here, that,
6 oh, this was moved or kicked or something like that; correct?

7 **A.** Yeah.

8 **Q.** Or you might make an assumption that there was actually
9 another gun that was 20 yards down.

10 **A.** It could be. I mean, it could be totally unrelated to the
11 incident also.

12 **Q.** Now, Mr. Edwards was from the Forest Park-Windsor Mill
13 area; right?

14 **A.** That's where he was known to hang, according to everyone I
15 spoke to.

16 **Q.** All right. And that is an area that's not Collins Avenue;
17 right?

18 **A.** No.

19 **Q.** Okay. I'm going to just show you a map which will be
20 Defendant's Exhibit 5.

21 Now, you've been -- how many years did you say you are in
22 Homicide?

23 **A.** I've been in Homicide ten years.

24 **Q.** Okay. And you're very familiar, I would assume, with the
25 Southwestern District?

~~KAZMAREK - CROSS~~

1 A. I mean, I'm familiar with it. I'm not going to say very
2 familiar.

3 Q. All right. So I'm going to show you -- first, up in the
4 left-hand corner -- let me see if I can do better with this.
5 Maybe it's just my eyes. There we go.

6 Can you see that all right?

7 A. It's better than it was.

8 Q. Okay. Do you want me to try to focus more?

9 A. Yeah.

10 Q. All right. Do you see that there is a red square
11 indicating Collins Avenue (indicating)?

12 A. Yes.

13 Q. And that red square, sir, on the map, do you see that down
14 here (indicating)?

15 A. Yes. Do you want me to mark it?

16 Q. Sure, please.

17 A. (Witness complies.)

18 Q. And then do you see underneath there Irvington?

19 A. Yes.

20 Q. Okay. That's a general location or area in the city?

21 A. Yeah. It's like a part of the city, it's called, I guess,
22 you know, the -- you know, sort of how you have Roland Park and
23 Mount Royal and all; that's Irvington.

24 Q. Like a neighborhood?

25 A. Yes.

~~KAZMAREK - CROSS~~

1 Q. All right. And we'll go back up to the legend.

2 Do you see 101 West 22nd Street?

3 A. Yes.

4 Q. Now, earlier I think I said West Lanvale when we were
5 talking about a studio, a recording studio.

6 Does this refresh your recollection that perhaps Lanvale
7 and 22nd are close but the recording studio, do you know if
8 that was on West 22nd?

9 A. I can't give you the exact address, but it's . . .

10 Q. So that's a blue box. And, again, on the map do you see
11 the blue box?

12 A. Yes.

13 Q. And could you make an X on it.

14 A. Yes.

15 (Witness complies.)

16 Q. And that particular neighborhood, kind of Remington area?

17 A. Yes.

18 Q. Now, finally, the last box I'll show you down here,
19 5200 Windsor Mill Road.

20 A. Yes.

21 Q. And that is the BP gas station; is that correct?

22 A. Yes.

23 Q. Now, do you see where that is on this map? And if you can
24 make an X.

25 A. (Witness complies.)

~~KAZMAREK - CROSS~~

1 Q. Now, in between the BP gas station and Irvington is
2 Lincoln Park; is that correct?

3 A. Yes.

4 Q. Now, the area Irvington or Collins Avenue, are you aware
5 that that is an area in which there are several people who are
6 members of BGF?

7 A. I'm sure there are members of BGF down there. I can't
8 tell you who.

9 Q. All right. And did that come up in your investigation,
10 looking at members of BGF and as to whether they had anything
11 to do with the killing of Mr. Edwards?

12 A. We were lookin' at any -- anything initially to see,
13 because he really had no association with that area that we
14 could find. So we didn't know what, you know, the cause was
15 initially.

16 Q. Okay. So you were not ruling out anything, it sounds
17 like, in the very beginning; correct?

18 A. No.

19 Q. Okay. And you learned -- well, actually, you found that
20 Mr. Edwards had some drugs on him at the time that he was
21 killed; right?

22 A. Yeah. They were found by the officer at the hospital.
23 And, you know, that information was passed on to me.

24 Q. Okay. And so by that, you're looking to see, oh, is there
25 a connection? For instance, did someone who had something to

~~KAZMAREK - CROSS~~

1 do with him drug-related kill him? Correct?

2 **A.** Well, we always look at that, I mean, if that's a
3 possibility.

4 **Q.** All right. For instance, a customer who was mad at him
5 could do something?

6 **A.** It's generally not the customers, but, I mean, I guess you
7 could say so.

8 **Q.** All right. It may be someone he owed money to that could
9 be upset with him?

10 **A.** It could be somebody he owed money to, whoever he was
11 dealing for, if he's dealing in the wrong area. It could be
12 anything.

13 **Q.** So dealing in the wrong area may be that he's down at
14 Collins Avenue where he's not known to hang out, and someone
15 there was not happy that he was dealing in that area; right?

16 **A.** Yeah. I mean, we looked into that, yes.

17 **Q.** Okay. And did you come to find out that Mr. Edwards did
18 have a problem with someone by the name of Little Montana?

19 **MS. PERRY:** Objection.

20 **THE COURT:** Come up to the bench.

21 (Bench conference on the record:

22 **MS. PERRY:** Your Honor, I'm objecting to this. It
23 calls for blatant speculation, and it is based completely on
24 hearsay information provided to the detective by a witness who
25 is not here.

1 **THE COURT:** I'm sorry.

2 **MR. HAZLEHURST:** None of the defendants have headsets.

3 **THE COURT:** What happened to the headsets?

4 (Pause.)

5 **THE COURT:** Okay. Thank you, Mr. Hazlehurst. I think
6 we've corrected that now.

7 Go ahead.

8 **MS. PERRY:** I'm objecting. This calls for blatant
9 hearsay and speculation on the part of the witness. This is
10 information in a file of his, not written by him, about
11 information provided to him by someone else.

12 I think if Ms. Whalen wants to get into this, she'd
13 have to call the person who said it to the detective in order
14 to lay a proper foundation. Otherwise, it's just hearsay.

15 **MS. WHALEN:** I think I'm entitled to explore what
16 steps he took in investigating the case, what steps he took in
17 determining whether there were other people who had a motive to
18 kill Mr. Edwards other than Mr. Bailey. And that's what I'm
19 exploring, Your Honor.

20 **THE COURT:** What are you expecting -- what is he
21 likely to say? What is this all about?

22 **MS. WHALEN:** I think he will just say he did -- my
23 question was: Did you come to learn that Mr. Edwards had a
24 beef or an issue with Little Montana or Little Montana. And I
25 expect him to say "yes," because that's the information we

1 received in his file. And that's as far as I was going.

2 **THE COURT:** Do we know if he looked into that?

3 **MS. PERRY:** Your Honor, the note is provided. It is
4 Dominick Wedlock's interview with a different detective who
5 said that Bangout had an issue with Little Montana.

6 Mr. Wedlock is, as we have -- the evidence has come
7 out so far, is involved in this particular homicide. His false
8 exculpatory to this witness is not admissible. It is hearsay.
9 It should not come in.

10 If she wants to inquire as to whether or not he
11 investigated other suspects, I think that that may be
12 admissible. But as to what someone else specifically said with
13 a name is certainly hearsay.

14 **THE COURT:** So, then, the source of the identification
15 of this particular person in this interview was going to be
16 with Mr. Wedlock?

17 **MS. WHALEN:** It's a note contained within his file.
18 And actually, the note does not indicate, from my recollection,
19 that it is Mr. Wedlock saying that.

20 So that sort of makes me raise that if it's
21 Mr. Wedlock saying that, that it could be a statement in
22 furtherance of the conspiracy, given what's been alleged about
23 the conspiracy.

24 **THE COURT:** Well --

25 **MS. WHALEN:** So, I mean, that would just make it

~~KAZMAREK - CROSS~~

1 possibly not hearsay, but . . .

2 **MS. PERRY:** I believe the statement would have to be
3 to a co-conspirator. Detective Kazmarek is not such a
4 co-conspirator.

5 **THE COURT:** Right. Well, I'm happy to look at the
6 report, if you want me to. If a specific person being
7 identified is through Mr. Wedlock, then I would sustain the
8 objection. That is some hearsay information provided by a
9 person that I don't see as admissible absent hearing something
10 that makes it specifically admissible. So I'm happy to look at
11 the report if you think there's some other --

12 **MS. WHALEN:** No. I'll move on. I don't think the
13 report actually says "Mr. Wedlock" on it, so that's new
14 information to me.

15 **THE COURT:** A general question about following up
16 leads.

17 **MS. WHALEN:** That's fine.)
18 (Bench conference concluded.)

19 **THE COURT:** Rephrase that, Ms. Whalen.

20 **MS. WHALEN:** Sure.

21 **BY MS. WHALEN:**

22 **Q.** In the course of your investigation, you told us you were
23 sort of looking at anything and everyone in the beginning;
24 correct?

25 **A.** Yes.

~~KAZMAREK - CROSS~~

1 Q. 'Cause this was sort of a classic whodunit; right?

2 A. Yes.

3 Q. There were no eyewitnesses; right?

4 A. No.

5 Q. And you identified suspects or possible people that you
6 should look at; right?

7 A. We came across a couple names to look over, yes.

8 Q. All right. Did you take a look at, in the course of your
9 investigation, a person by the name of Adam Gibbs, also known
10 as Black?

11 A. I can't -- the name doesn't ring a bell. I'd have to
12 review my notes.

13 Q. Did you speak with -- you or other officers in the course
14 of this speak with Sabrina Belote?

15 MS. PERRY: Objection.

16 THE COURT: Come back up to the bench, please.

17 (Bench conference on the record:

18 THE COURT: Same issue?

19 MS. PERRY: Yes. What other people told
20 Detective Kazmarek is not admissible.

21 MS. WHALEN: I was actually asking him that to refresh
22 his recollection as to whether he investigated a person by the
23 name of Adam Gibbs or Black, and he received that information
24 from this woman.

25 So I was simply going to say, "Did you speak with

1 her?" and show him the notes and see if that refreshes his
2 recollection.

3 **THE COURT:** What did she say that led him to
4 investigate?

5 **MS. WHALEN:** She said --

6 **THE COURT:** Is there any other reason to investigate
7 Mr. Gibbs?

8 **MS. WHALEN:** That James was on the phone about a half
9 week -- a week and a half prior to the shooting, James was on
10 the phone talking to a female, talking about going down to
11 Collins to meet Black, possibly to meet Black.

12 And then there are some notes also known as -- well,
13 actually, Black is described, and then there are some notes in
14 which he identifies black as Adam Gibbs, "he" meaning the
15 investigator.

16 **THE COURT:** Okay. So the source of information is
17 just hearsay from Sabrina Belote?

18 **MS. WHALEN:** It's an interview of Sabrina Belote, yes.

19 **MS. PERRY:** And it's our position, again, that if
20 Ms. Whalen wants to go here, she would have to call Ms. Belote,
21 who is the provider of the information and that
22 Detective Kazmarek cannot testify about the information he was
23 provided by someone else.

24 **MS. WHALEN:** I wasn't asking that question of: What
25 did she say to you?

1 What I'm asking is: Did you learn and then
2 investigate Black, or Adam Gibbs?

3 Who was actually a member of BGF, according to what
4 the officer knew.

5 **THE COURT:** But it's all based on what she told him.
6 I mean --

7 **MS. WHALEN:** But I was -- it was permissible for me to
8 ask him if there were other suspects, and that's what I'm
9 getting into right now.

10 **THE COURT:** It's admissible to ask generally if there
11 were other suspects and did he follow up on them.

12 But I don't think that means that we get into the
13 specifics of what some other person who is not here in the
14 courtroom told him about it.

15 **MS. WHALEN:** And I was not going to do that.

16 **THE COURT:** Then what is the relevance? I mean, how
17 do you get to Mr. Gibbs at all except through what she told
18 him?

19 **MS. WHALEN:** Because he investigated Mr. Gibbs.

20 **THE COURT:** Based on?

21 **MS. WHALEN:** Yeah, but he investigated anyone based on
22 information. It has to come from somewhere. And it most often
23 is going to come from witness statements, and so --

24 **THE COURT:** Are we going to tie this up as to
25 Mr. Gibbs in any way?

~~KAZMAREK - CROSS~~

1 **MS. WHALEN:** I'm going to ask him if he investigated
2 Mr. Gibbs, which is what I asked him. And he said, "I don't
3 recall." And so now I'm trying to refresh his recollection.

4 **THE COURT:** Yes. But that would be -- the answer
5 would have to be "yes" based on what Ms. Sabrina Belote told
6 him.

7 What's next?

8 **MS. WHALEN:** That's it.

9 **THE COURT:** Okay. Then I'm sustaining the objection.

10 **MS. WHALEN:** Thank you.)

11 (Bench conference concluded.)

12 **BY MS. WHALEN:**

13 **Q.** Now, you also looked to see whether there were other phone
14 calls between Mr. Edwards' phone and other numbers besides the
15 ones that you showed us on these charts; right?

16 **A.** Yes.

17 **Q.** Okay. And there were phone calls closer in time to his
18 death; correct?

19 **A.** Yes.

20 **Q.** Okay. And you, in fact, went and obtained call-detail
21 records for those numbers; correct?

22 **A.** No.

23 **Q.** Did you -- oh, you never got call-detail records for those
24 numbers?

25 **A.** No.

~~KAZMAREK - CROSS~~

1 Q. And do you recall --

2 A. Actually, I do believe I got detail records for two of the
3 numbers that called him.

4 Q. Okay. And those were like the very last call that
5 Mr. Edwards had and the next-to-the-last call that Mr. Edwards
6 had; correct?

7 A. Yes, I believe so.

8 Q. Now, you indicated that there was a black hat close to the
9 area in which Mr. Edwards' body was actually found; right?

10 A. Yes.

11 Q. All right. And did you do any analysis on that black hat?
12 In other words, did you attempt -- you or others in the
13 department -- attempt to get any DNA off the hat?

14 A. No. I believe there was enough DNA from Mr. Edwards in
15 the hat that we could put together whose hat that it was. So
16 we believed it was Mr. Edwards' hat based on the blood and
17 where it was found in proximity to his body.

18 Q. All right. And so you didn't search to see if anybody
19 else's -- well, strike that.

20 You did not obtain DNA for that hat at all; right?

21 A. No.

22 Q. Okay. So you made that assumption 'cause of the blood;
23 correct?

24 A. Yes; and where it was located.

25 Q. Okay. And you didn't do any other additional testing on

~~KAZMAREK - CROSS~~

1 that hat; is that correct?

2 A. No.

3 Q. Contrary to the hat that was found with the logos on it on
4 the steps of 312; correct?

5 A. Yes.

6 Q. Okay. And that came back to a Mr. Hamid; correct?

7 A. Yes, ma'am.

8 Q. Now, you got the results of that testing on that hat,
9 correct, at one point?

10 A. The one on 312?

11 Q. Yes.

12 A. Yes.

13 Q. And when you did that, you attempted to interview
14 Mr. Hamid; correct?

15 A. Yes.

16 Q. But he had moved out of the area; is that right?

17 A. Yes.

18 Q. Did you do any other investigation at all with Mr. Hamid?

19 A. No.

20 Q. You attempted -- or someone for you -- attempted to get
21 DNA off of the shell casings; is that right?

22 A. Yes, off of the live cartridges.

23 Q. But that was not ultimately analyzed; is that correct?

24 A. Yes.

25 Q. And did you do that also with the bullet that was found?

~~KAZMAREK - CROSS~~

1 Did you attempt to get any DNA or anything off the bullet that
2 was found?

3 A. Which bullet?

4 Q. The one that was found? CS-2-3 (indicating)?

5 A. The live round?

6 Q. Yes, sir.

7 A. Yeah, we did that with all the live rounds. We didn't --
8 we did the live rounds, not the fired rounds.

9 Q. I see. All right. That was what you were trying to get
10 DNA off of?

11 A. Yes.

12 Q. The live rounds.

13 Now, at some point you looked and received information
14 about the 9975 number and received information that you thought
15 that came back to Dante Bailey; right?

16 A. Yes.

17 Q. Now, you then did it like you would with anybody, any
18 information that you have about, like, this kind of a crime.
19 You looked into Dante Bailey; correct?

20 A. Yes.

21 Q. All right. And there were no fingerprints taken that were
22 Dante Bailey's prints, correct, at the scene?

23 A. No.

24 Q. And there are certainly no eyewitnesses. We know that;
25 right?

~~KAZMAREK - CROSS~~

1 **A.** None that we interviewed, no.

2 **Q.** Okay. And there was no DNA of Dante Bailey at the scene;
3 correct?

4 **A.** No.

5 **Q.** Okay. And no things like shoeprints that you could
6 compare to anyone's shoes; correct?

7 **A.** No.

8 **Q.** No video, certainly?

9 **A.** No.

10 **Q.** Did you look to see if there were any of the cameras in
11 the area that -- like a CCTV footage?

12 **A.** You mean the ones with the, like, blue lights and stuff
13 like that? Yeah. They weren't there either.

14 **Q.** They weren't there. Okay.

15 Now, you did learn that Mr. Bailey was on electronic
16 monitoring; correct?

17 **A.** Yes.

18 **Q.** And that means that he was wearing, like, some device that
19 would track his movements; correct?

20 **A.** Yes.

21 **Q.** And you learned through your investigation that he was not
22 or the records didn't support that he was at Collins Avenue;
23 correct?

24 **MS. PERRY:** Objection.

25 **THE COURT:** Do you want to come up to the bench.

~~KAZMAREK - CROSS~~

(Bench conference on the record:

MS. PERRY: I believe that's a mischaracterization of what the records show. There are no GPS pings during the time of the shooting at Collins Avenue.

MS. WHALEN: So the general question that the records don't show he was at Collins Avenue was accurate, I think.

THE COURT: Yes. Okay.)

(Bench conference concluded.)

BY MS. WHALEN:

Q. My question is: In your investigation, you looked at the records and they don't support that Mr. Bailey was at Collins Avenue at the time of the Edwards shooting; correct?

A. No. His GPS coordinates were not on Collins Avenue.

Q. Now, you learned through the course of your investigation that Mr. Edwards sometimes carried a gun; correct?

A. Yes.

Q. And so, really, you don't know whether -- from the crime scene and from your investigation, you don't know whether Mr. Edwards had a gun and someone overpowered him; right?

A. No, I have no information if he had a gun.

Q. All right. And/or it's just unknown whether someone actually took a gun out of his hands and used it --

MS. PERRY: Objection.

THE COURT: Overruled.

THE WITNESS: I'm sorry?

~~KAZMAREK - CROSS~~

1 **BY MS. WHALEN:**

2 **Q.** Do you want me to repeat it?

3 **A.** Yeah.

4 **Q.** You really can't tell and you don't know whether someone
5 took a gun out of Mr. Edwards' hands and used it to shoot him?

6 **A.** No; but I really don't see. He's still dead. He was
7 still killed. So I don't -- if it was taken from his hands and
8 he was shot or not. But, no, there's no information that he
9 had a gun that came up in our investigation.

10 **MS. WHALEN:** Thank you, Detective.

11 That's all I have, Your Honor.

12 **THE WITNESS:** Yes, ma'am.

13 **THE COURT:** All right. Anyone else?

14 (No response.)

15 **THE COURT:** Any redirect?

16 Oh, I'm sorry.

17 **MR. DAVIS:** Briefly, Your Honor.

18 **THE COURT:** Go ahead.

19 **MR. HAZLEHURST:** Your Honor, Mr. Davis wanted to go
20 before us, so we're going to defer to Mr. Davis, if we could.

21 **THE COURT:** Okay.

22 **MR. HAZLEHURST:** Thank you.

23 CROSS-EXAMINATION

24 **BY MR. DAVIS:**

25 **Q.** Good morning, Detective.

~~KAZMAREK - CROSS~~

1 **A.** Good morning, sir.

2 **Q.** Detective, I'm going to put that -- put a transcript up
3 that you were referred to when you listened to a tape earlier
4 this morning.

5 Do you recall taking a peek at that transcript? Do you
6 recall listening to that tape a little while ago?

7 **A.** Yes, sir.

8 **Q.** Do you recall not being asked any questions about it after
9 it was played?

10 **A.** Yes.

11 **Q.** Now, in that transcript -- and I'm going to play the tape
12 for you in a minute. And the transcripts aren't evidence,
13 these are prepared as an aid to the jury.

14 But in that transcript, it indicates that Mr. Frazier said
15 he was talking to Nick (indicating); right?

16 **A.** Yes.

17 **Q.** Now, Nick's your shooter in this Bangout homicide, isn't
18 he?

19 **MS. PERRY:** Objection.

20 **THE COURT:** Overruled.

21 **BY MR. DAVIS:**

22 **Q.** Right?

23 **A.** I'm sorry?

24 **Q.** He's your shooter in the Bangout homicide.

25 **A.** No.

~~KAZMAREK - CROSS~~

1 Q. He isn't? Does Nick have anything to do with the Bangout
2 homicide?

3 A. Yes.

4 Q. I'm going to play this tape for you, and I want you to
5 listen to it very carefully.

6 Do you have a copy of the transcript up in front of you?

7 A. Just with your showing me on the screen.

8 MR. DAVIS: Okay. I'm going to have to flip over to
9 the computer. And for everyone's point of reference, this is
10 Jail Transcript 15-T at Page 47. And we're going to begin at
11 the very first paragraph, which begins at 6:55.

12 And if everyone can bear with me, I'm going to unplug
13 this computer for a moment.

14 THE CLERK: Mr. Davis, you're using the HDMI?

15 MR. DAVIS: I'm going to use the HDMI. So I don't
16 need to unplug them, then; right? Let's hope it works.

17 THE CLERK: You should be okay.

18 BY MR. DAVIS:

19 Q. Detective, I would like you to listen very carefully. I'm
20 going to start this tape right at 6:55, so it's going to start
21 out [reading]: Just wanna a straight slap . . .

22 And I want you to listen to it carefully when it gets to
23 the part where the transcript references that I'm talkin' to
24 Nick.

25 Do you see that?

~~KAZMAREK - CROSS~~

1 **A.** Yeah.

2 **Q.** And do you see immediately after that, there's no longer
3 any references to "he." There are references to Mr. Frazier
4 talkin' to a "she."

5 Do you see that?

6 **A.** Yes.

7 **Q.** Okay. Take a listen here.

8 (Audio was played but not reported.)

9 **BY MR. DAVIS:**

10 **Q.** Now, did you just hear that?

11 **A.** Yes.

12 **Q.** He's talkin' to a woman; correct?

13 **A.** He's talkin' about a woman.

14 **Q.** He's talking to a woman. I asked her -- do you want me to
15 play it again? And I'm going to play -- I'm going to go back
16 to the part where the transcript says "Nick," and I want you to
17 tell me if you hear the name Dinka, which is a woman's name.

18 And, by the way, did you pull any of the jail calls down
19 there to see if Mr. Frazier ever talked to a Nick?

20 **A.** No, I didn't pull any of the jail calls.

21 **Q.** Did you pull any jail calls to see if he ever talked to a
22 woman by the name of Dinka that day?

23 **A.** No.

24 **Q.** Again, I'll play this again for you.

25 (Audio was played but not reported.)

~~KAZMAREK - REDIRECT~~

BY MR. DAVIS:

Q. Now, you didn't prepare these transcripts, did you?

A. No, sir.

MR. DAVIS: I have no further questions.

THE COURT: All right.

MR. HAZLEHURST: Nothing on behalf of Mr. Davis,
Your Honor.

THE COURT: Anybody else?

(No response.)

THE COURT: Any redirect?

MS. PERRY: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. PERRY:

Q. Detective, you were asked on cross about a lot of calls
and text messages between Mr. Bailey's phone number and
Mr. Edwards' phone number leading up to the murder; isn't that
right?

A. Yes.

Q. And were there any contacts after the murder?

A. No.

Q. Is it your understanding that call logs can sometimes
capture missed calls as connections as well as calls that
people actually speak on?

A. Yes.

Q. So missed calls would show up on call-detail records?

~~KAZMAREK - REDIRECT~~

1 **A.** Yes.

2 **Q.** And, finally, you were asked about GPS records for
3 Mr. Bailey's ankle monitor.

4 Did you review those records --

5 **A.** Yes.

6 **Q.** -- that were provided?

7 And are there, in fact, no GPS pings during the time of
8 the murder for Mr. Bailey?

9 **A.** Correct.

10 **MS. PERRY:** Thank you.

11 **THE COURT:** All right. Thank you very much, sir.

12 You're excused.

13 (Witness excused.)

14 **THE COURT:** All right. And I assume that there will
15 be another witness, but we'll take the mid-morning break first.

16 So the jury is excused.

17 (Jury left the courtroom at 11:39 a.m.)

18 **THE COURT:** All right. And we'll excuse the gallery.

19 Okay. We'll take the recess.

20 (Recess taken.)

21 **THE COURT:** You can be seated, please.

22 Is there an issue before the next witness?

23 **MR. ENZINNA:** Yes, Your Honor.

24 I believe not the next witness, but the witness after
25 that is going to be Agent Wilde, who will testify about

1 cell site location. And we have a motion pending for a Daubert
2 hearing and a motion in limine to limit his testimony on that
3 score.

4 **THE COURT:** Okay. The next witness, is it a long one
5 or a short one? Are we likely to get to Special Agent Wilde?

6 **MS. HOFFMAN:** She's relatively short, so I think we
7 would get to Special Agent Wilde before the lunch break.

8 **THE COURT:** Okay. All right. So cell site, yes.

9 And I think I gave you a preliminary indication of
10 where I was on that, but I have read the various memos and, of
11 course, Judge Grimm's opinion in Medley.

12 Anything that you want to add to your papers,
13 Mr. Enzinna?

14 **MR. ENZINNA:** Yes, Your Honor. There are a number of
15 things going on here.

16 One is the issue, the Daubert issue. And in
17 U.S. versus Graham in 2015, the Fourth Circuit --

18 **THE COURT:** I'm sorry. I'm having a little trouble
19 hearing you.

20 **MR. ENZINNA:** In U.S. versus Graham --

21 **THE COURT:** Graham, yes.

22 **MR. ENZINNA:** In 2015, the Fourth Circuit held that
23 testimony about the likelihood that a cell phone will connect
24 to the nearest tower and that the certain factors affect the
25 range of a tower is not a subject for expert testimony. Those

1 are factual issues.

2 I don't know exactly what Agent Wilde is going to
3 testify to; and that's the second question here, because the
4 report we got from the Government is insufficient.

5 What the report says is he will testify regarding the
6 locations of the cellular telephones belonging to Dante Bailey
7 and James Edwards at the time of Edwards' murder on
8 February 12th, 2015.

9 There is no further information about what that means.

10 I believe what we were told is that he would testify
11 to the approximate locations. We don't have any idea what
12 degree of specificity or accuracy he claims to have with regard
13 to these approximate locations.

14 So we're kind of flying in the dark here because we
15 don't know exactly what he's going to say. It's sort of like
16 saying we're going to put up a doctor to testify about the
17 cause of the plaintiff's injury. I mean, you need more than
18 that.

19 You need to say, The doctor's going to testify about
20 the cause of the plaintiff's injury. He's going to testify
21 that it was caused by the defendant's product.

22 And that's what we need here, and that's what's
23 missing here. We don't know what Agent Wilde is going to say.

24 And finally --

25 **THE COURT:** Do you not have his -- the report --

1 **MR. ENZINNA:** I do have his reports.

2 **THE COURT:** -- and the maps and everything?

3 **MR. ENZINNA:** His reports don't really say much.

4 **THE COURT:** Okay.

5 **MR. ENZINNA:** I can show you the report.

6 **THE COURT:** I've seen it, I mean, I think.

7 **MR. ENZINNA:** Okay. Again, it just says that from the
8 call-detail records, he -- illustrate the approximate --
9 illustrate an approximate location of the target cell phones.

10 **THE COURT:** Right.

11 **MR. ENZINNA:** And while we're talking about his
12 report, that's the final issue we have with Agent Wilde. The
13 report contains these maps with these sort of pie shapes. And
14 these little pie shapes here, the blue semicircles
15 (indicating), those do not correspond to anything factual.
16 They give the impression that that's the area of the
17 cell phone's coverage, but that's not true.

18 Basically, what Agent Wilde, I think, is going to
19 testify to is that that indicates the direction of the
20 coverage.

21 But if that's the case, then it ought to be
22 represented by an arrow rather than something that gives some
23 kind of indication of the distance that those cell phone towers
24 can cover.

25 **THE COURT:** Okay. Anything the Government wants to

1 add?

2 **MS. HOFFMAN:** I think our position is pretty well laid
3 out in our briefs.

4 I don't have Graham right in front of me. But if I
5 recall correctly, I don't believe Graham held that cell site
6 location information testimony cannot be the subject of expert
7 testimony.

8 It held that it need not be the subject of expert
9 testimony. But as Your Honor knows, it is very often the
10 subject of expert testimony in this district and elsewhere.
11 And I do think Judge Grimm's opinion gets it right, and he
12 admitted nearly identical testimony as well as demonstratives.

13 In fact, from the sound of the -- from the factual
14 description in the opinion, it sounds as though the
15 demonstratives were -- had the same shading and everything.

16 And I think Agent Wilde -- and we've proffered to this
17 in our motions response, but I think Agent Wilde will be clear
18 in his testimony that the shading is not supposed to indicate
19 the exact radius of the coverage area, but just indicate
20 directionality. And so I think he'll be clear about that on
21 the stand.

22 I'm happy to answer any other questions Your Honor
23 might have.

24 **THE COURT:** No. That's fine. I've heard
25 Special Agent Wilde testify to essentially this same kind of

1 information. I've reviewed the memos on both sides. I've
2 reviewed Judge Grimm's corrected memorandum opinion and order
3 in the Medley, M-E-D-L-E-Y, case. It's Case No. 17-242.

4 I think Judge Grimm, in fact, addresses that same
5 issue about what the Fourth Circuit meant in Graham by saying
6 lay testimony.

7 I don't believe that that was meant to exclude it
8 coming in, this kind of testimony, as opinion testimony from
9 someone like Special Agent Wilde. I think that any lack of
10 clarity about the meaning of the shaded areas between the two
11 lines can be addressed by the questions that are asked both on
12 direct and on cross.

13 And, indeed, I understand that his testimony is only
14 going to be to an approximate area where the phone was because
15 that is the best that the science permits.

16 But I will overrule the motion for a Daubert hearing
17 and a motion in limine to exclude the cell phone
18 demonstratives.

19 **MR. ENZINNA:** Thank you, Your Honor.

20 I would note that in Medley, Judge Grimm said that the
21 testimony has to be accompanied by a candid explanation of the
22 accuracy of the particular location method used, which must, by
23 necessity, include its limits as well as its strengths.

24 **THE COURT:** Absolutely.

25 **MR. ENZINNA:** So I would expect that that would be

~~HAMID - DIRECT~~

1 brought out by Agent Wilde.

2 **THE COURT:** Yes, I expect it will be. And if it
3 isn't, I expect that you will do that.

4 **MR. ENZINNA:** Thank you, Your Honor.

5 **THE COURT:** All right. We'll get the jury.

6 (Jury entered the courtroom at 12:10 p.m.)

7 **THE COURT:** All right. Welcome back.

8 I think the Government has another witness.

9 **MS. HOFFMAN:** The Government calls Ms. Fatima Hamid.

10 **THE CLERK:** Please raise your right hand.

11 FATIMA HAMID, GOVERNMENT'S WITNESS, SWORN.

12 **THE CLERK:** Please be seated.

13 Please speak directly into the microphone.

14 State and spell your full name for the record, please.

15 **THE WITNESS:** My name is Fatima Hamid. That's
16 F-A-T-I-M-A. Hamid, H-A-M-I-D.

17 **THE CLERK:** Thank you. Make sure you keep your voice
18 up.

19 DIRECT EXAMINATION

20 **BY MS. HOFFMAN:**

21 **Q.** Good afternoon, Ms. Hamid.

22 **A.** Hi.

23 **Q.** Where are you from originally?

24 **A.** I'm from Baltimore, Maryland.

25 **Q.** Were you living in Baltimore in February of 2015?

~~HAMID - DIRECT~~

1 **A.** Yes.

2 **Q.** And where were you living?

3 **A.** At 312 Collins Avenue.

4 **Q.** And what kind of building is that?

5 **A.** It's a single-family home.

6 **Q.** I'm going to show you Government's Exhibit MAP-36, and it
7 should come up on the screen in front of you.

8 Does this image look familiar to you?

9 **A.** Yes.

10 **Q.** Is the house that you were living at depicted here?

11 **A.** Yes, it is.

12 **Q.** And you should be able to touch the screen in front of
13 you.

14 Would you mind indicating which house you lived in.

15 **A.** This one (indicating).

16 **Q.** I don't think it came up. If you try touching the actual
17 screen, it should.

18 **A.** The picture is there. I'm touching it.

19 **THE CLERK:** Try it again.

20 **BY MS. HOFFMAN:**

21 **Q.** Oh, I did see a little dot. You're indicating this house
22 right here (indicating)?

23 **A.** Yes.

24 **Q.** And that's 312 Collins Avenue?

25 **A.** Yes.

~~HAMID - DIRECT~~

1 Q. Who were you living with at the time?

2 A. At the time, I was living there with my son and my
3 daughter.

4 Q. I want to direct your attention to the early morning hours
5 of February 12th of 2015.

6 Did something out of the ordinary happen that night?

7 A. Someone was murdered outside of my house.

8 Q. Can you tell us what you remember from the day leading up
9 to the murder and the murder itself.

10 A. The day leading up to the murder was the day that I buried
11 my dad, so I remember that day very well.

12 We had had the funeral earlier that day. And after the
13 funeral and the burial and the repast, we returned home at
14 about 6:00, 6:30 in the evening.

15 I don't remember what I did at home after that. But I
16 just remember going to bed pretty early that night and then
17 being awoken by, like, the sound of gunfire, like, in the early
18 hours of the morning.

19 Q. And can you describe what you woke up to, what you heard.

20 A. I heard three gunshots. I don't know if it was more, but
21 that's what I heard, and then my daughter running into my room,
22 like, crying, saying that she also heard gunshots outside of
23 her window.

24 Q. And what was your daughter's emotional state when she ran
25 into your room?

~~HAMID - DIRECT~~

1 A. She was really distraught. She was crying. She was
2 really just upset, you know, that it was so close and that she
3 knew it had to be, like, right out in front of our house.

4 Q. And while she was upset and crying, what did she tell you
5 she heard?

6 A. She said that, you know, she heard voices. She heard
7 somebody arguing outside. She couldn't make out what they were
8 saying. But then she heard them, like, cocking the weapon
9 before she heard the gunshots.

10 And then when she heard the gunshots, she ran into my
11 room.

12 Q. Where did your daughter -- which room of the house did she
13 sleep in?

14 A. She slept in the front room, the front bedroom of the
15 house. So she was the closest room to the street.

16 Q. Did anyone call 9-1-1?

17 A. After I got up with my daughter, I went downstairs to
18 check on my mom and my son, who were downstairs in the house.
19 And my son said that he called 9-1-1.

20 Q. What happened after your son called 9-1-1?

21 A. I remember just, you know, making sure that everybody was
22 okay, and we were all just pretty shaken from the funeral from
23 the day before. And just making sure that my mom was okay
24 because, again, it was so close to our house. And we knew it
25 had to be, like, really close by.

~~HAMID - DIRECT~~

1 And I just remember, like, looking out of the dining room
2 window. And I saw the lights from the police car, but I didn't
3 see any people or anything. I could just see the lights
4 flashing. And then I could see, like, flashlights as if they
5 were, like, out there looking for something or someone.

6 And, you know, I just kept looking out the window, like,
7 what are they looking for? What are they looking for?

8 And I just kept peering and I didn't see anything. And it
9 just looked like they were getting closer to the house with the
10 flashlights. And I was, like, it must be something there, but
11 I couldn't see what.

12 And as I, like, got closer to the window -- I had to,
13 like, get really close to the window, and then I looked down.
14 And I could see a body laying right underneath of that window
15 right near my basement door on the side of the house.

16 Q. Are you able to indicate, using this image here, where
17 that window was that you looked out?

18 A. Sure. It's -- the window is here (indicating).

19 Q. Is that on the ground floor?

20 A. Yes, it's on the ground floor. And I'm circling the
21 window there that I looked out of (indicating).

22 Q. And where did you see the body?

23 A. It was, like, right underneath this window here
24 (indicating) and kind of -- it was kind of, like, at an angle,
25 like, into that doorway and right underneath that window but,

~~HAMID - DIRECT~~

1 like, really close to the wall.

2 So if you're looking out, just peering out this way
3 straight, you don't see it. But if I'm, like, at the edge and
4 you look down, it's there (indicating).

5 **Q.** And I'm going to show you Government's Exhibit CS-2-15.

6 Do you recognize this image here?

7 **A.** Yes.

8 **Q.** What are we looking at here?

9 **A.** Here you're looking at the side of the house. This window
10 here (indicating) is that dining room window. This is the
11 basement door (indicating). And this space in between the
12 houses leads to the backyard where if you were to go through
13 that space, you could go through my yard and then out my yard
14 into the alley (indicating).

15 **Q.** So there's a way to get out through the back?

16 **A.** Yeah. There's easy access because it's a really short,
17 like, chain-link fence at the back that you could climb over or
18 open, because the gate wasn't always locked. And you can,
19 like, retreat from the back of my house into the alleyway or,
20 like, past the houses behind us.

21 **Q.** You mentioned that you went downstairs to check on your
22 mother and your son. Where were your mother and your son?

23 **A.** My son was in the living room, which is toward the front
24 of the house. My mom was actually sleeping on a chaise lounge
25 in the dining room, right next to that window that I was

~~HAMID - DIRECT~~

1 looking out of.

2 Q. Do you recall finding or do you recall learning about a
3 hat on your front steps that night?

4 A. Yes. After the detectives came to the house -- because,
5 again, my son made the call -- I remember him, like, pointing
6 out a hat on the stairs and asking me if I knew, you know,
7 whose hat it was or who it belonged to.

8 Q. And at the time did you know who it belonged to?

9 A. No, I did not.

10 Q. Do you know someone named Ali Abdul-Hamid?

11 A. Yes. That's my brother.

12 Q. And had your brother been at your house that day?

13 A. Yes. He had been at the house that day because he
14 attended the funeral with us and he came back to the house
15 after the funeral.

16 Q. Would it surprise you to learn that your brother left a
17 hat on your front steps?

18 A. No.

19 Q. Did you move away from Baltimore after the murder?

20 A. I did.

21 Q. Why?

22 A. Because I've lived in Baltimore my entire life, and that
23 was the first real traumatic incident that landed literally on
24 our doorstep, and it was too much.

25 MS. HOFFMAN: Thank you very much, Ms. Hamid. I don't

~~WILDE - DIRECT ON VOIR DIRE~~

1 have any further questions for you.

2 **THE COURT:** I'll see if anybody else has any
3 questions.

4 **MS. WHALEN:** No questions.

5 **THE COURT:** All right. Thank you very much.

6 **THE WITNESS:** Thank you.

7 **THE COURT:** You may step down.

8 (Witness excused.)

9 **THE COURT:** Is the Government calling another witness?

10 **MS. PERRY:** Yes, Your Honor. The Government calls
11 Special Agent Mat Wilde.

12 **THE CLERK:** Please raise your right hand.

13 SPECIAL AGENT MATHEW WILDE, GOVERNMENT'S WITNESS, SWORN.

14 **THE CLERK:** Please be seated.

15 **THE WITNESS:** Thank you.

16 **THE CLERK:** Please speak directly into the microphone.
17 State and spell your full name for the record, please.

18 **THE WITNESS:** Mathew Wilde, M-A-T-H-E-W, W-I-L-D-E.

19 **THE CLERK:** Thank you.

20 DIRECT EXAMINATION ON VOIR DIRE

21 **BY MS. PERRY:**

22 **Q.** Good afternoon.

23 **A.** Good afternoon.

24 **Q.** With which law enforcement agency do you work?

25 **A.** I'm a Special Agent with the FBI here in Baltimore.

~~WILDE - DIRECT ON VOIR DIRE~~

1 Q. How long have you been with the FBI?

2 A. About nine years.

3 Q. What is your educational background?

4 A. I have a Bachelor's in business administration with a
5 concentration in accounting.

6 Q. And what did you do prior to joining the FBI?

7 A. I was a deputy, an investigator at the Spartanburg County,
8 South Carolina, Sheriff's Department for almost ten years.

9 Q. Since joining the FBI, can you tell us what your duties
10 have been with the FBI.

11 A. Sure. After I graduated the academy in October of 2010, I
12 was assigned to the Rockville office here in Baltimore, where I
13 worked white-collar crime, gangs, and drugs and violent crime.

14 Then I was transferred to the Prince George's County
15 office where I worked the violent crime, covering in and out of
16 D.C., the cross-border crime.

17 And then I went back to Rockville where I worked drugs and
18 violent crime. And then in 2015, I was assigned to the
19 Maryland Joint Violent Crime Task Force, which is here in
20 Baltimore. So I sit with the Baltimore City Police Department.
21 And I work bank robberies, commercial robberies, kidnappings,
22 murders, homicides, and then I'm also a member of the
23 CAST Unit.

24 Q. What is the CAST Unit?

25 A. The CAST Unit is the Cellular Analysis Survey Team. It's

~~WILDE - DIRECT ON VOIR DIRE~~

1 a group of about 70 special agents and task force officers
2 throughout the country. And what we specialize in is reading
3 historical phone records, mapping them, locating people based
4 upon those records, and then testifying in court.

5 **Q.** How were you selected to become a member of the CAST Unit?

6 **A.** So I went to the basic Project Pinpoint course in 2012.
7 That's a three-day course where we learned how to read basic
8 records, use a pretty basic map -- basic mapping platform, and
9 then map the records out.

10 From 2012 to 2016, I used that technique in almost every
11 one of my cases, working bank robberies, commercial robberies,
12 ATM robberies.

13 And then in 2016, I was selected to go to the advanced
14 CAST course.

15 **Q.** Approximately how many hours of training do you have in
16 the area of analyzing call detail records?

17 **A.** Well over 400.

18 **Q.** And can you tell us a bit about what that training
19 consisted of.

20 **A.** Sure. So, again, the first course was basic
21 Project Pinpoint. That was a three-day course. We learned how
22 to read the records and put them on a basic map.

23 The second course was the advanced Project Pinpoint, which
24 is a four-day course where we're presented with more-advanced
25 techniques, taking a deeper dive into each one of the records

~~WILDE - DIRECT ON VOIR DIRE~~

1 for each one of the carriers, and then using different mapping
2 platforms to map those -- map those to our cases.

3 During that class, we're presented with practicals every
4 day and every night for homework. And those practicals are
5 reviewed and graded by the already-certified CAST team members.

6 After that class, I was selected to go to the CAST
7 certification course. The certification course is four weeks.
8 The first week is radiofrequency theory, so we learn about how
9 radio waves travel from your phone to a tower and back to your
10 phone and through the network.

11 The second week we got training from each one of the
12 providers. So Sprint, AT&T, Verizon, U.S. Cellular, and
13 T-Mobile came into our training. We learned from their records
14 custodians. Those are the people that provide records to
15 law enforcement when they're served with a search warrant or a
16 court order.

17 And then we also learned from the network engineers.
18 Those are the people that design and maintain the cellular
19 network for each one of those carriers.

20 The third week we learned how to use our network survey
21 equipment. So we have a piece of equipment that we can put in
22 our car, and we can take it out and drive around. And we can
23 figure out how far a specific cell tower actually reaches, so
24 we learned about that.

25 And then the final week was a moot court exercise. So we

~~WILDE - DIRECT ON VOIR DIRE~~

1 were provided with a real case. We had to read the records,
2 create a mapping product, go out and do a drive test, figure
3 out how far that cell tower actually reached, and then present
4 the case to a real attorney, who then we presented it in a moot
5 court situation with other real attorneys acting as the judge,
6 the prosecutor, and the defense attorney.

7 And then we were graded by the already-certified CAST team
8 members. And at the conclusion of that training, I was
9 certified as a CAST team member.

10 Q. What tools do you use to help analyze call-detail records?

11 A. Most of the records come in Microsoft Excel, so I use
12 Microsoft tools. I use Google Earth, PowerPoint,
13 Microsoft Word. And then we use -- we have our own mapping
14 platform. It's called ESPA. And I use that just because this
15 is pretty much all I do every day, and it helps me be more
16 efficient.

17 Q. Approximately how many examinations of call-detail records
18 have you yourself conducted?

19 A. Hundreds. Probably done about 350 cases in the last three
20 years. And most of those cases have multiple sets of
21 call-detail records, so hundreds.

22 Q. Have you ever provided training to others on analysis of
23 call-detail records?

24 A. Yes, ma'am. I teach the basic Project Pinpoint course
25 that I described initially. I've taught that course about ten

~~WILDE - DIRECT ON VOIR DIRE~~

1 times.

2 And then I just got back from teaching the advanced
3 course, actually, last week.

4 **Q.** Have you ever been qualified to testify as an expert in
5 interpreting call-detail records?

6 **A.** Yes, ma'am.

7 **Q.** How many times and in which courts?

8 **A.** 51 times in this court here, United States District Court
9 in Baltimore, known as United States District Court in
10 Greenbelt; Baltimore County Circuit Court; Baltimore City
11 Circuit Court; Anne Arundel County Circuit Court;
12 Prince George's County Circuit Court; Montgomery County
13 Circuit Court; Cumberland County -- Cumberland County,
14 Pennsylvania, Circuit Court; one county out in West Virginia;
15 and then Somerset County in Maryland as well.

16 **MS. PERRY:** Your Honor, at this point we would offer
17 Special Agent Mathew Wilde as an expert in analyzing cell phone
18 location data.

19 **THE COURT:** Okay. Any objection or questions other
20 than what's already been --

21 (No response.)

22 **THE COURT:** Okay. Based on the witness's education
23 and training and experience, I'm going to find him qualified to
24 give us opinion testimony in the field of analysis of
25 cell phone location data.

~~WILDE - DIRECT~~

DIRECT EXAMINATION

BY MS. PERRY:

Q. Agent Wilde, in your role as a member of FBI's CAST Unit here in Baltimore, did you receive requests -- a request for assistance from the ATF in connection with an investigation into several homicides?

A. Yes, I did.

Q. And more specifically, did you receive a request for assistance in connection with an investigation into a homicide that occurred on February 12th of 2015?

A. Yes, I did.

Q. And did you receive call-detail records in connection with that request?

A. Yes.

Q. So I'm going to show you what's been marked for identification only as Government's Exhibits CDR-1, CDR-2, and CDR-3.

(Hanging.)

Do you recognize these?

A. Yes. These are discs containing the call-detail records for (410) 259-8098, with service by Verizon.

(443) 415-9975, with service by Sprint.

And (443) 564-0387, with service by AT&T.

Q. And just for the record, did you give us those in order as CDR-1, CDR-2, and CDR-3?

~~WILDE - DIRECT~~

1 **A.** Yes, ma'am.

2 **Q.** Why do cell phone companies maintain call-detail records?

3 **A.** Mostly for billing purposes. So the cell phone companies
4 need to know how much data you're using or I'm using, how
5 much -- how many text messages you're sending, and how much
6 voice traffic you're using so they know how much to bill you
7 every month.

8 The second reason they keep it is for their own network
9 purposes, to analyze their own network to see which towers are
10 being used the most, make sure that their customers are being
11 serviced appropriately.

12 **Q.** Now, you mentioned a tower. What is a cell tower?

13 **A.** So a cell tower -- a cell tower is just -- a general
14 example is just a regular pole. And on top of that pole, you
15 might see three sets of antennas kind of set up in a triangle.

16 That's the piece of equipment that allows your phone to
17 communicate with the actual cellular network.

18 **Q.** As a result of network diagnostics that you described, do
19 cell phone companies sometimes reconfigure cell towers over
20 time?

21 **A.** Yes. Every now and then, to update technology, if you
22 just think about the last three or four years, we've gone from
23 using primarily 3G to LTE. And now some of the companies are
24 starting to roll out 5G.

25 So in order to do that, they're going to have to -- they

~~WILDE - DIRECT~~

1 do periodically add equipment onto the towers, change the
2 direction the towers face to account for new developments or
3 new apartment buildings, and just generally update the towers.

4 **Q.** And do cell phone companies maintain records of changes to
5 their cell towers over time?

6 **A.** Yes. We get an updated tower list on a periodic basis.
7 Depending on the carrier, it could be every few months to every
8 six or seven months.

9 **Q.** Now, using the records, the tower lists you described, and
10 the records in front of you, were you able to identify
11 cell phone towers that these particular cell phones used to
12 send or receive communications around the time of February 8th
13 of 2015 and February 12th of 2015?

14 **A.** Yes, ma'am.

15 **Q.** How were you able to do that?

16 **A.** Because the call-detail records that I've been referring
17 to, they're very much like your old -- like an old paper phone
18 bill you would get in the mail maybe 15 years ago. They have
19 the date and the time that the calls occurred on there or the
20 texts occurred; they have who called that number or who that
21 number called, so the other telephone numbers involved; they
22 have the duration or how long that call was.

23 And the major difference between those billing records
24 that you would get in the mail and the records I look at is
25 that the records I look at tell me which cell tower and then

~~WILDE - DIRECT~~

1 which side of that tower or which sector was being used to
2 handle that call or that text message.

3 Q. Did you prepare a report to help you explain your analysis
4 to the jury?

5 A. Yes, ma'am.

6 Q. So I'm going to show you Government's Exhibit CSLI-1.

7 Do you recognize this?

8 A. Yes, ma'am. This is a copy of the report I created for
9 this case.

10 Q. Now, I want to turn to Page 3 of your report.

11 Can you tell us -- first, can you tell us, in addition to
12 the call-detail records that you described earlier, were you
13 provided with other information from the investigating agency?

14 A. Yes, ma'am. I was provided with the important addresses
15 in the case.

16 Q. So looking now at Page 3 of your report, can you tell us
17 what we're looking at here.

18 A. Yes, ma'am. So the -- Page 3 shows all the Verizon
19 cell towers in the area of West Baltimore. So every time you
20 see a little red dot on one of these maps, that's going to --
21 that's going to indicate that that's where a Verizon cell tower
22 is located.

23 The red pin, the very base of the red pin down in the
24 bottom center of the map is -- it's 300 Collins Avenue in
25 Baltimore, Maryland.

~~WILDE - DIRECT~~

1 The very base of the green pin, which is up on the top
2 left corner of the map, is 3901 Princely Way in Pikesville,
3 Maryland.

4 The very base of the blue pin, which is on the right side
5 of the map, is -- the dark-blue pin is 101 West 22nd Street in
6 Baltimore.

7 And then the light-blue pin in the center of the map
8 represents 5200 Windsor Mill Road in Baltimore.

9 Q. And looking down here at the red pin as you described near
10 300 Collins Avenue, what neighborhood is that pin located in?

11 A. It's in Irvington.

12 Q. Now, I want to turn to Page 4.

13 Can you tell us what we're looking at here.

14 A. This is essentially the same map. The major difference
15 here is the differences between the cell tower. So this is --
16 the last map was a Verizon map, so it showed the location of
17 all the Verizon towers.

18 And in this case this is a Sprint map, so it's showing the
19 location of all the Sprint towers.

20 Other than that difference, the locations plotted are
21 exactly the same.

22 Q. And turning to the next page, to Page 5, can you tell us
23 what we're looking at here.

24 A. This is essentially the same map. The major difference
25 here is that the blue dots represent all the AT&T cell towers

~~WILDE - DIRECT~~

1 in this area.

2 **Q.** Agent Wilde, how does a cell phone go about choosing, for
3 lack of a better word, which cell tower to connect to?

4 **A.** So when your cell phone is on -- my cell phone were on and
5 it was sitting here in front of me on the table, it would be
6 constantly -- my phone is constantly scanning the environment,
7 scanning what's around it, and it's trying to determine the
8 tower and the sector that the phone sees as the clearest and
9 strongest signal.

10 It can see up to eight cell phone towers and sectors at
11 one time, and it's constantly doing this mathematical
12 calculation to determine which tower is the strongest and
13 clearest signal.

14 It does that so if my phone were to be sitting here and
15 then I were to receive a call, my phone already knows what
16 cell tower and sector it's going to use. Or if I were to make
17 a call with that phone, pick it up to call 9-1-1 in an
18 emergency, it's already going to know which cell tower and
19 sector it's going to use. And that's going to be the one
20 reflected on the call-detail records.

21 **Q.** And you just mentioned that your phone was constantly
22 scanning. Is this scanning recorded in any way?

23 **A.** It is not.

24 **Q.** And so is something only recorded when a connection is
25 made?

~~WILDE - DIRECT~~

1 **A.** That's correct.

2 **Q.** And just to be clear, does your analysis tell you anything
3 about who's holding the phone when a call is made or received?

4 **A.** Absolutely not.

5 **Q.** It just tells you the approximate location of the phone?

6 **A.** It just tells me whose phone -- it just tells me that that
7 phone called a specific number or received a call and which
8 cell tower and sector or the general location of where that
9 phone was located at the time.

10 **Q.** So I want to turn back to the specific request and turn to
11 Page 6 of your report.

12 Looking at Page 6 of your report, can you tell us, first
13 of all, what we're looking at here.

14 **A.** Yes, ma'am. So this is the activity on February 8th,
15 2015, between 8:56 and 10:42 p.m. for telephone number
16 (443) 415-9975, which is a Sprint telephone.

17 **Q.** Now, we can see on this page that there are boxes marked
18 "CID." What does CID indicate?

19 **A.** So CID indicates the cell ID or the number, the cell tower
20 number that's being used for each one of these transactions.

21 **Q.** And what do these wedges indicate that we're seeing?

22 **A.** So the wedges indicate that the cell tower -- or the
23 cell phone used at that tower and the sector that faced in that
24 direction to make or receive one of these phone calls.

25 So the sector itself, the shaded area of that sector, when

~~WILDE - DIRECT~~

1 I put that on the map, all I'm saying is that that side of the
2 tower, the energy from that side of the tower is going out in
3 this direction.

4 I'm by no means saying that the phone has to be within
5 that shaded area or really within those lines. I'm just saying
6 that it's using this tower and it's using that tower that faces
7 in this direction.

8 **Q.** So looking here at this particular page of your exhibit,
9 what can you tell us about which towers were used by the phone
10 ending in 9975 at which times?

11 **A.** So at 8:56 p.m., the phone is using Tower Number 891,
12 Sector 4, which is down in the bottom right closest to the
13 5200 Windsor Mill Road pin. It uses that same sector at 8:56,
14 9 o'clock, and 9:03 p.m.

15 At 9:05 p.m., the phone uses Sector 2 of that sector, so
16 the sector that faces north.

17 And then at 10:05, the phone uses Tower Number 638, which
18 is just to the left of the Windsor Mill Road address.

19 And then, finally, at 10:24 and 10:42 p.m., the phone uses
20 Tower 783. And it uses Sector 2, which faces north and is
21 closest to the 3901 Princely Way address.

22 **Q.** And remind us what date it is we're looking at here.

23 **A.** This is February 8th, 2015.

24 **Q.** And are the records that you've mapped here consistent
25 with the cell phone being near or around the 5200 block of

~~WILDE - DIRECT~~

1 Windsor Mill Road and moving up towards the Princely Way
2 address?

3 **A.** Yes, ma'am.

4 **Q.** I'm going to turn to the next page.

5 Can you tell us what we're looking at here.

6 **A.** So this is the activity for telephone number
7 (443) 564-0387 on February 8th, 2015, between 9:42 and
8 11:04 p.m.

9 **Q.** And can you tell us what these -- what your markings on
10 this particular page indicate as far as times and locations?

11 **A.** Yes, ma'am. So starting at the bottom right of the page,
12 the phone is using Tower Number 19674 at 9:42 and 9:43. That's
13 the bottommost sector that faces north.

14 Then at 9:50 p.m., the phone uses Tower 23106, which is
15 the tower that is closest to 5200 Windsor Mill Road.

16 Then at 10:10 and 10:13, the phone uses Towers 2735 and
17 2739.

18 So at 10:10 it uses Sector 2, which faces towards 695.

19 And then at 10:13 it uses Sector 3, which faces west.

20 And then between 10:19 and 11:04 p.m., the phone uses
21 Towers 10037 and 52331, which face north and is the closest
22 tower and sector to 3901 Princely Way.

23 **Q.** And is the movement of this particular cell phone also
24 consistent with the phone being in the area of
25 5200 Windsor Mill Road and moving up towards the Princely Way

~~WILDE - DIRECT~~

1 address?

2 **A.** Yes.

3 **Q.** And, again, this is from February 8th of 2015?

4 **A.** Yes, ma'am.

5 **Q.** Okay. I want to turn to the next page of your exhibit
6 here.

7 Again, which phone number are we looking at here?

8 **A.** We're looking at (443) 564-0387. It's an AT&T number.

9 **Q.** And what date are we looking at here?

10 **A.** Right now we're looking at February 11th, 2015, between
11 6:30 and 7:10 p.m.

12 **Q.** And what can you tell us about the towers that this phone
13 was using during this time frame?

14 **A.** So starting at 6:30, the phone is using Tower 6174, which
15 is kind of in the center of the page, and it faces north
16 towards 101 West 22nd Street.

17 Next at 6:33 p.m., the phone uses Tower 16873. And I
18 realized this morning that I misplaced this text box, so it
19 actually belongs to the tower towards the right that faces
20 southeast. So it uses that tower at 6:33.

21 Then at 6:36, the phone uses Tower 4416, which is towards
22 the top right of the page facing southeast towards Remington.

23 Then at 6:36:49, the tower -- the phone uses Tower 635 or
24 638, which is up at the top left of the page near Woodbury.

25 Then it uses that tower at 6:36, 6:37, and 6:38.

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1 And then at 6:38:26, the phone again uses Tower 4416,
2 which is to the top right of these wedges. It uses that tower
3 at 6:38 and 6:39 and 6:44.

4 And then at 6:44, the phone uses Tower 55512, which is
5 somewhat in the center of the page, just south of Druid Lake.

6 Then at 6:45, the phone uses Tower 16873, which is to the
7 right here near East Midway. And it uses that tower at 6:45,
8 6:48, 6:48, 6:49. Then at 6:50 it uses Tower 5512, which is,
9 again, just south of Druid Hill Park facing southeast.

10 And then at 7:10, the phone again uses the tower over by
11 East Midway, 16873, which is kind of on the right of the page.

12 **Q.** Now, Agent Wilde, if I could, if you wouldn't mind just
13 looking at the screen next to you, could you just, using the
14 screen next to you, explain where you believe the text -- the
15 boxes were misplaced.

16 **A.** Yes, ma'am. So this box here on the left-hand side
17 (indicating), for 16873, actually belongs with this sector over
18 here to the right (indicating).

19 And then the box that is to the right of that sector, the
20 box for 551 -- 55512, so this box that I'm circling, actually
21 belongs with the sector that I'm circling here over on the left
22 (indicating).

23 **Q.** Thank you.

24 And so is what we are seeing here on the page that's up on
25 this particular exhibit consistent with the phone being in or

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1 around the area of this 22nd Street address, at some point
2 traveling up and then traveling back down towards the similar
3 address?

4 **A.** Yes.

5 **Q.** Turning to the next page, can you tell us what we're
6 looking at here.

7 **A.** Yes, ma'am. This is for that same phone, (443) 564-0387,
8 from February 11th, 2015, at 7:30 p.m. to 9:21 p.m.

9 So at 7:31 p.m., the phone is using Tower 8128, between
10 7:30 and 7:37. That's on the bottom right-hand side of the
11 page.

12 Then the next activation is 7:50 p.m., which is the wedge
13 that's kind of underneath the circle.

14 I'm going to draw on this, if that's okay.

15 **Q.** Please.

16 **A.** This is the wedge that's underneath the circle there
17 (indicating).

18 And then at 8:06, the phone uses the circle -- and I
19 mapped that one in a circle because it's actually a site that's
20 inside of the Towson Mall, so we don't have like a directional
21 antenna there. It just tells us that it covers 360 degrees, so
22 that's why I mapped that as the circle.

23 And then it uses that tower at 8:06. Then it uses the
24 northern tower here, 10625, at 8:09.

25 And then between 8:09:18 and 9:21 p.m., the phone is using

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1 that tower that's inside the mall.

2 Q. And so just geographically speaking, where are the mapping
3 points on this slide in relation to, say, the 5200 block of
4 Windsor Mill?

5 A. They are north and east of Windsor Mill.

6 Q. And turning now to page, I believe it is Page 10, can you
7 tell us what we're looking at here.

8 A. So these are the activations for (443) 564-0387 between --
9 on February 11th between 9:46 and 11:22 p.m. And then
10 February 12th between 6:24 and 8:12 p.m -- 8:12 a.m.

11 So starting off on the bottom of the page, the bottom
12 right, the phone is using Towers 19807, 54381, and 19801,
13 between 9:46 and 11:22 p.m.

14 After 11:22 p.m., there's no calls or text activity on
15 that device.

16 Q. And when is the next activation?

17 A. Okay. Then the next activation is at 6:24 a.m. on
18 February 12th, 2015. It uses that same tower and sector at
19 6:24, 7:45, 7:46, 8:12.

20 And then at 8:10 and 8:11, the phone uses Tower 9878,
21 which is on the left side of the page.

22 Q. And what area of the -- of -- are we looking at here?
23 Where geographically is this particular side?

24 A. So this is near Essex, Maryland. So in comparison to the
25 mall from the night before, it's southeast of there. And in

~~WILDE - DIRECT~~

1 comparison to Windsor Mill, it's pretty much all the way on the
2 other side of the Beltway from Windsor Mill East.

3 Q. And what we're seeing here is that there is an activation
4 at 11:22 p.m. and then again at 6:24 a.m. in a similar
5 location?

6 A. Yes, ma'am.

7 Q. Turning now to Page 11 of this exhibit, can you tell us,
8 first of all, what phone number we're looking at here.

9 A. Sure. We're looking at (410) 259-8098, which is a Verizon
10 telephone.

11 Q. And what can you tell us about which cell towers this
12 phone used?

13 A. So between 6:17 and 9:41 p.m., the phone is using
14 Tower 142 or Tower 1 -- or 280.

15 Starting at the bottom, it uses Tower 142 at 6:17, then
16 7:01 it uses Tower 280, which is at the top left. Then 814,
17 back to 142.

18 8:31, back to 280. It just bounces back and forth between
19 those -- between those time periods.

20 Q. And what, if anything, can you tell us about the bouncing
21 back and forth?

22 A. When I see it bounce back and forth like that, what that
23 tells me is that it's somewhere in the middle of those two
24 towers where it's able to see both at about an equal strength.
25 So it's what happens when you see that bouncing back and forth.

~~WILDE - DIRECT~~

1 I don't believe the phone's moving from one to the other
2 and back and back and back for, you know, back and forth for
3 three hours.

4 Q. And so is this slide and is your mapping of this
5 consistent with the phone being in or around West 22nd Street
6 during this time frame?

7 A. Yes, ma'am.

8 Q. Turning to the next slide, can you tell us what we're
9 looking at here.

10 A. So this is the same phone, (410) 259-8098, between 10:20
11 and 10:28 p.m.

12 So at 10:20, the phone's using Sector 3 of the tower
13 that's in the center of the page. Then at 10:20:18 it uses
14 Sector 3 again. 10:23, the same -- it uses Sector 4. Then
15 10:24, it uses Sector 4, so the sector that faces south off of
16 that center tower.

17 Then at 10:26, the phone uses Tower 33, Sector 4, which is
18 over towards the right side of the page. It uses that at
19 10:26. Then at 10:27 it uses Tower 215, which is over on the
20 left side of the page.

21 And then, again, on Tower 33 at 10:27 through 10:28 p.m.

22 Q. And is this consistent with the phone being in or around
23 the area of 5200 Windsor Mill?

24 A. Yes.

25 Q. Turning now to the next slide, can you tell us what we're

~~WILDE - DIRECT~~

1 looking at here.

2 **A.** So this is the same phone, (410) 259-8098, it's a Verizon
3 phone between 10:32 and 10:45 p.m. on February 11th.

4 At 10:32, the phone's using Tower 33, which is on the left
5 side of the page but facing towards West Baltimore.

6 Then 10:33 it uses Tower 247, which is at the top right of
7 the page. So there at 10:33 and 10:34.

8 And then between 10:40 and 10:45, it's using Tower 299,
9 which faces north down there in the bottom center of the page.

10 **Q.** And turning to the next slide, can you tell us what we're
11 looking at here.

12 **A.** So this is 11:06 to 11:26 p.m. on February 11th for
13 (410) 259-8098. Starting at 11:06, the phone is using
14 Tower 215, which is on the left side of the page, between --
15 basically at 11:06.

16 Then at 11:17, the phone uses Tower 73, Sector 2, which
17 faces northwest.

18 And then between 11:23 and 11:24, it uses Sector 3, which
19 faces to the east or the right side of the page.

20 Then at 11:25, it uses Tower 111, Sector 3, which is the
21 top right of the page, facing southwest.

22 And then back to Tower 73, Sector 3, at 11:26.

23 **Q.** Turning to Page 15, can you tell us what we're looking at
24 here.

25 **A.** So this is the activity on that same phone, 259-8098,

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1 between 11:26 and 11:42 p.m. on February 11th.

2 At 11:26, the phone's using Tower 73, which is on the left
3 side of the page.

4 Then it uses Tower 33, Sector 2, which faces north.

5 Then it uses Tower 247, which is on the right side of the
6 page facing back west.

7 And then it goes back to using the bottom tower, 33, 2 --
8 Sector 2 at 11:29.

9 Then it uses Tower 281, Sector 3, which is at the top of
10 the page, between 11:32 and 11:36.

11 At 11:37 to 11:42, then it's using Tower 33, Sector 2,
12 which is the one in the bottom center of the page.

13 **Q.** So is this consistent with the phone being sort of in this
14 general area or moving about in this area?

15 **A.** Yes. It's -- it's in that area or moving around about in
16 that area.

17 **Q.** And looking now at Page 16, can you tell us what we're
18 looking at here.

19 **A.** So this is the same phone, 259-8098, between 12:10 and
20 12:43 a.m.

21 So between 12:10 and 12:20, it's using Tower 247,
22 Sector 2, which is on the right side of the page.

23 And then at 12:43, the phone uses Tower 299, Sector 3,
24 which is on the bottom right side of the page.

25 **Q.** And is this -- looking at this last activation at the

~~WILDE - DIRECT~~

1 bottom, 12:43:18 a.m., is that the last activation on this
2 particular phone number?

3 A. Yes, it is.

4 Q. And so is this consistent with the phone moving from
5 somewhere north down in the direction of 300 Collins Avenue?

6 A. It's definitely moved from that north location near
7 Druid Hill Park down south towards 40 and Lexington.

8 Q. Now, turning to Page 17, can you tell us, first of all,
9 what phone number we're looking at here.

10 A. So this is the Sprint phone, (443) 415-9975.

11 Q. And are we moving sort of back in time, back to a little
12 bit earlier on February 11th of 2015?

13 A. Yes, ma'am.

14 Q. Can you tell us what you can tell us about the location of
15 the cell towers that this phone used around this time.

16 A. Yes, ma'am. So at 9:09 p.m., the phone's using Tower 638,
17 which is in the center -- the center of the page between the
18 other two towers.

19 Then at 10:30, the phone uses Tower 741, which is the
20 bottom left side of the first tower.

21 Then it goes back to using 638, Sector 4, at 10:31.

22 And then finally at 11:38 p.m., it uses Tower 630,
23 Sector 3, which is on the top right.

24 Q. Turning now to Page 18, can you tell us what we're looking
25 at here.

~~WILDE - DIRECT~~

1 **A.** So this is the activity for (443) 415-9975, between
2 11:55 p.m. on February 11th and 12:23 a.m. on February 12th.

3 At 11:55, 11:55, the phone is using Tower 663, Sector 2,
4 which is there in the center of the page facing north.

5 Then it uses Tower 617, Sector 4, at 12:15 a.m., which is
6 the one on the right that faces back east.

7 And then at 12:16 and 12:17, the phone uses Tower 663,
8 Sector 2 again, which faces north.

9 And then finally at 12:23 a.m., the phone uses 617,
10 Sector 4 again.

11 **Q.** And so are we seeing the phone move between these two
12 towers again?

13 **A.** Yes, ma'am.

14 **Q.** And just to be clear, the box on the right is 12:15 and
15 12:23; right?

16 **A.** Yes, ma'am.

17 **Q.** Turning now to Page 19, can you tell us what we're looking
18 at here.

19 **A.** So this is the activity for (443) 415-9975, between
20 12:23 a.m. and 9:13 a.m. on December -- or on February 12th.

21 So at 12:23 a.m., that call on Tower 617, which is on the
22 right side of the page.

23 And then the next activity on that phone is at 1:28 a.m.,
24 which is hitting on Tower 783, Sector 2, which is closest to
25 3901 Princely Way in Pikesville.

~~WILDE - DIRECT~~

1 And then from there, there's no other calls to map until
2 9:13 a.m.

3 Q. And so, to be clear, was there any data for you to map
4 between 12:23 a.m. and 1:28 a.m.?

5 A. No, ma'am.

6 Q. So we see a gap in time between -- of about an hour?

7 A. Yes.

8 Q. And by 1:28 a.m., the phone is in -- pinged off a
9 location consistent with being near 3901 Princely Way?

10 A. Yes, ma'am. It's using the tower and sector that I
11 believe would provide cellular coverage to 3901 Princely Way.

12 Q. So turning to Page 20 of your report, can you tell us what
13 we're looking at here.

14 A. Yes, ma'am. This is the previous activity that I just
15 spoke about overlaid. So I put the (443) 415-9975 number and
16 (410) 259-8098 number on the same page to show their activity
17 between 11:55 and 12:20 a.m.

18 Q. And so are these plots we've seen in other slides just put
19 together on a single page?

20 A. Yes.

21 Q. And these are the towers that the -- those two phones, I
22 believe the 9975 phone is indicated in black and the 8098 in
23 red?

24 A. Yes.

25 Q. And finally turning to Page 21, can you tell us what we're

~~WILDE - DIRECT~~

1 looking at here.

2 **A.** Yes, ma'am. This is the activity of those two phones,
3 9975 and 8098, between 11:55 and 9:13 a.m. So it chose the
4 12:15, 12:32 last -- I'm sorry. It shows the 11:55 activity of
5 the Sprint phone, which is to the top -- to the north of
6 Druid Hill Park or northwest of Druid Hill Park. And then it
7 also shows the 12:10 to 12:20 activity of the Verizon phone,
8 which is just south of there.

9 And then 12:16, 12:17, and 12:23 for the Sprint phone and
10 then showing the 12:43 activity for the Verizon phone, which is
11 at the bottom right of the page.

12 **Q.** So, again, looking first at sort of the top right corner,
13 but we see both cell phones using towers located in this top --
14 sort of top right corner of the map during similar times?

15 **A.** Yes.

16 **Q.** And then, again, is this plot here at the bottom, the one
17 you testified earlier that was the last one for the 9 -- the
18 8098 number?

19 **A.** Yes.

20 **Q.** And we can see that one moving in a southward direction?

21 **A.** Yes, ma'am.

22 **Q.** And, again, the 20 -- and then there is the last call we
23 see -- or we see a gap in time between 12:23 a.m. on the 9975
24 number and the 1:28 a.m. call?

25 **A.** Yes.

~~WILDE~~ - DIRECT

1 **THE COURT:** Let me know when you're at a good breaking
2 point.

3 **MS. PERRY:** I think we can break now, Your Honor.

4 **THE COURT:** Okay. All right. We're going to take the
5 lunch recess.

6 I'll start by excusing the jury.

7 (Jury left the courtroom at 1:01 p.m.)

8 **THE COURT:** All right. And we'll excuse the witness
9 until 2 o'clock.

10 Just quickly, any additional issues anybody wants to
11 forecast for the afternoon?

12 (No response.)

13 **THE COURT:** Okay. I don't hear any at the moment.

14 I'll excuse the gallery.

15 Okay. All right. We'll recess until 2 o'clock.

16 Thank you.

17 (Luncheon recess taken.)

18 **THE COURT:** All right. Are we ready to bring in the
19 jury?

20 **MS. HOFFMAN:** Yes.

21 (Jury entered the courtroom at 2:12 p.m.)

22 **THE CLERK:** Agent, you're still under oath.

23 **THE WITNESS:** Thank you.

24 **THE COURT:** If you'd like to continue.

25 **MS. PERRY:** Thank you, Your Honor.

~~WILDE - DIRECT~~

1 **BY MS. PERRY:**

2 **Q.** Agent Wilde, in addition to the call-detail records that
3 we were discussing before the lunch break, were you also asked
4 to review GPS data related to an ankle monitor being worn by
5 Dante Bailey?

6 **A.** Yes, ma'am.

7 **Q.** What were you provided with?

8 **A.** The ankle -- the certified records from the monitoring --
9 the monitoring company.

10 **Q.** And did you review those records?

11 **A.** I did.

12 **Q.** And did you compare those records with a report that we
13 had been talking about earlier?

14 **A.** Yes, ma'am.

15 **Q.** And what --

16 **MR. ENZINNA:** Your Honor, may we approach?

17 **THE COURT:** Okay.

18 (Bench conference on the record:

19 **THE COURT:** Okay.

20 **MR. ENZINNA:** Your Honor, I'm not sure where this is
21 going, but Agent Wilde is here as an expert himself in
22 analytics. And the GPS has nothing to do with cell phones.

23 Is he testifying as an expert on GPS records or . . .

24 **THE COURT:** Where is this going?

25 **MR. ENZINNA:** I don't think he has any personal

1 knowledge.

2 **MS. PERRY:** He reviewed the certified records, and I'm
3 simply going to ask him if they're inconsistent with his report
4 which he prepared with respect to the cell phone location.

5 We did not intend to bring it up in the direct -- our
6 direct case until it was brought up on the cross of the prior
7 witness. And I do feel like at this point it is proper for us
8 to explain what the GPS records do, in fact, show.

9 **MR. ENZINNA:** But --

10 **THE COURT:** What's already in evidence is that the GPS
11 did not ping at all during the time.

12 **MS. PERRY:** Which is what he would testify to, that
13 there was a gap in time similar to the gap in time on the 9975
14 phone.

15 **MR. ENZINNA:** But that's come in, as a matter of fact,
16 through Detective Kazmarek about the GPS. He just reviewed the
17 GPS data over lunch.

18 I think the way they ask the question would be to say:
19 If there are no GPS data points during that period, that would
20 not be inconsistent with what you're saying; correct? I
21 mean --

22 **THE COURT:** Maybe if you phrase it that way, just
23 based on the evidence that's in.

24 **MS. PERRY:** And ask him -- I'm sorry. I would propose
25 to ask him: Are there GPS records? We saw a gap in time

1 between 12:30 and 1:30 with respect to the 9975 phone. Was
2 there a similar gap in time with respect to the GPS records?

3 **MR. ENZINNA:** Well, I have a concern -- a second
4 concern.

5 I don't know that it's appropriate for the Government
6 to be talking to the witness during his examination.

7 **MS. HOFFMAN:** He's on direct examination.

8 **MS. PERRY:** He's still on direct examination. And the
9 GPS records were raised. We did not seek to introduce them.
10 The issue of the GPS records was raised by the defense in
11 cross-examination.

12 **THE COURT:** The GPS records are not in evidence yet,
13 are they?

14 **MS. PERRY:** They are not.

15 **THE COURT:** So, I mean, I think the most, there ought
16 to be a hypothetical: If there was GPS data that didn't show
17 any pings at a certain time, is that consistent or
18 inconsistent?

19 **MS. PERRY:** I can ask him that. The records are
20 certified records. So, I mean, I do believe we could introduce
21 them through this witness or another witness.

22 But I can certainly ask him the question that way.

23 **THE COURT:** Okay.)

24 (Bench conference concluded.)

25 **THE COURT:** If you would rephrase that, Ms. Perry.

~~WILDE - CROSS~~

BY MS. PERRY:

Q. Agent Wilde, if there were GPS records that had a gap in time between 12:30 a.m. and 1:30 a.m. on February 12th of 2015, would that be consistent or inconsistent with your analysis of the call-detail records for the 9975 phone?

A. That would be consistent.

MS. PERRY: Thank you.

I have nothing further.

THE COURT: Mr. Enzinna.

CROSS-EXAMINATION

BY MR. ENZINNA:

Q. Good afternoon, Agent Wilde.

A. Good afternoon, sir.

Q. Sir, there are three ways of using a cell phone to determine the location of a cell phone; correct? If a cell phone has a GPS transponder in it, you can track it by GPS; correct?

A. Yes, sir.

Q. And you could also do it in realtime; right?

A. Well, the GPS would be in realtime, sir.

Q. Well, putting aside GPS, can you also track a cell phone in realtime?

A. Yes, sir. You'd be using GPS to track a cell phone in realtime.

Q. And those are not the methods you used here?

~~WILDE - CROSS~~

1 **A.** That's correct, sir, because we would have to know that a
2 crime was about to occur for us to have an order or a
3 search warrant to track a GPS in real -- track a phone in
4 realtime.

5 In this case we did not know that, so we have the
6 historical records, and that's what we relied upon.

7 **Q.** And historical records are the least accurate of those
8 three methods; correct?

9 **A.** I would disagree with that, sir.

10 **Q.** You would?

11 **A.** Yes.

12 **Q.** Which is --

13 **A.** I'm sorry?

14 **Q.** Why would you disagree with that?

15 **A.** Because I've personally been involved in the cases in the
16 last year or so where we are trying to actively locate a phone
17 and we're getting like a 2,000-meter hit in West Baltimore, and
18 there could be multiple cell phone towers within that
19 2,000 meters. So what I have to do, then, is rely on the
20 call-detail records to then try to locate or approximate the
21 location of that phone.

22 **Q.** Okay. All right. Now, your analysis depends on two
23 assumptions; correct? One of the assumptions that -- on which
24 your analysis depends is the assumption -- well, I mean, let me
25 back this all up. Let me start over.

~~WILDE - CROSS~~

1 You testified that your analysis -- in your analysis, what
2 you are locating is the cell phone; correct?

3 **A.** Yes, sir. I'm providing a general location of where that
4 phone was at the time that that transaction occurred, whether
5 it be a call or a text.

6 **Q.** You're not locating a person?

7 **A.** That's correct.

8 **Q.** But the question is: Who is holding that cell phone at
9 the time; correct?

10 **A.** And I would not be able to answer that question, sir.

11 **Q.** Okay. Well, I don't know why this is doing this . . .

12 And the cell phones that you tracked, you looked at your
13 report, CSLI-1, which had to do with the James Edwards
14 homicide?

15 **A.** Yes, sir.

16 **Q.** Do you have that in front of you?

17 **A.** Yes, I do.

18 **Q.** And there are three cell phones listed on the front of
19 that?

20 **A.** Yes, sir.

21 **Q.** And the cell phone listed at the top, (443) 415-9975, that
22 was the cell phone that you were told belonged to Dante Bailey?

23 **A.** I'm not a hundred percent sure who it belonged to, sir.

24 **Q.** Were you told it belonged to Dante Bailey?

25 **A.** If I did -- if I was, I don't remember.

~~WILDE - CROSS~~

1 Q. Okay.

2 A. It honestly doesn't matter.

3 Q. Right, 'cause you're tracking the cell phone?

4 A. Correct. I'm just mapping the location of where the
5 cell phone was during the time that -- when the crimes
6 occurred.

7 Q. Now, do you recall preparing a draft of this report in
8 2016?

9 A. Yes.

10 Q. Draft, April 27th, 2016?

11 A. Yes, sir.

12 Q. Okay. Now, I'm going to turn to Page 2 of the draft.

13 MS. PERRY: Objection.

14 THE COURT: Do you want to approach the bench.

15 (Bench conference on the record:

16 MS. PERRY: There is additional information contained
17 in his final report, but I don't believe there are any
18 inconsistencies between his draft report and his final report.
19 I'm not sure, first of all, if Mr. Enzinna is attempting to
20 enter this as an exhibit or, second, what the relevance of the
21 draft report would be at this point.

22 MR. ENZINNA: I don't even understand that objection.

23 THE COURT: If you believe -- and I think this is
24 consistent with what she just said. If you believe that there
25 is an inconsistency between the draft report and the final

~~WILDE - CROSS~~

1 report, I would assume that that's something you're entitled to
2 bring out and ask about. And that's what he's doing.

3 **MR. ENZINNA:** And if there's not an inconsistency, he
4 can bring that up on redirect. It's not an objection.

5 **MS. PERRY:** Well, but he's put it up on the screen.
6 If there's an inconsistency, I believe he needs to confront the
7 witness with the inconsistency before entering an exhibit.

8 **THE COURT:** He's not entering an exhibit.

9 **MS. PERRY:** Okay.

10 **THE COURT:** He's just showing it to the witness so the
11 witness can see what it is that he's about to ask him about.

12 **MR. ENZINNA:** Okay.

13 **THE COURT:** Okay.)

14 (Bench conference concluded.)

15 **MR. ENZINNA:** Your Honor, may I approach?

16 **THE COURT:** Sure.

17 **BY MR. ENZINNA:**

18 **Q.** (Hanging.)

19 Do you recognize that document?

20 **A.** Can I have a moment to look at it?

21 **Q.** Sure.

22 **A.** Thank you.

23 (Reviews document.)

24 Okay. It looks like a draft I did on this case.

25 **Q.** Dated April 27th, 2016?

~~WILDE - CROSS~~

1 **A.** Yes, sir.

2 **MR. ENZINNA:** Your Honor, I'm going to offer this as
3 Defense Exhibit 7.

4 **THE COURT:** For identification only at this time.

5 **BY MR. ENZINNA:**

6 **Q.** Now, Agent Wilde, I'll direct your attention to Page 2 of
7 the draft report.

8 Do you see that page?

9 **A.** Yes, sir.

10 **Q.** It says [reading]: Analyzed telephone records.
11 That's what you did?

12 **A.** Yes, sir.

13 **Q.** And the telephone number [reading]: (443) 415-9975.
14 Service provider, Sprint/Boost Mobile.

15 And [reading]: Subscriber, Jay Williams, 2 Durum Court,
16 Owings Mills, Maryland.

17 Who's Jay Williams?

18 **A.** I have no idea, sir.

19 **Q.** Why is he in your report?

20 **A.** Because that was the information that was labeled on the
21 subscriber page for that telephone.

22 **Q.** Now, that information is not in your final report, is it?

23 **A.** No, sir, it's not.

24 **Q.** And down here at the bottom you say [reading]: Suspected
25 user, Dante Bailey.

~~WILDE - CROSS~~

1 Right?

2 **A.** Yes, sir. That was the information provided to me by the
3 ATF.

4 **Q.** So you didn't do your own investigation about whose
5 cell phone that was?

6 **A.** No, sir. There's no reason for me to do that.

7 **Q.** Okay. Now, on Page 3 of that draft report, this appears
8 to be the page concerning the cell phone number that's linked
9 to Mr. Edwards; correct?

10 **A.** Yes, sir.

11 **Q.** The 8098 number?

12 **A.** Yes.

13 **Q.** And there it says [reading]: Subscriber, none.

14 But it has an address. What does that mean?

15 **A.** So that "none" address with that Verizon phone is like the
16 generic address if you don't provide subscriber information to
17 Verizon. Probably have a hundred cases with that same address
18 in there.

19 **Q.** Okay. All right. Now, the other assumption underlying
20 your analysis is an assumption about which cell phone tower a
21 cell phone will connect to; correct?

22 **A.** No, sir. There's no assumption on that because we know
23 which cell phone tower the phone connected to, so it's not an
24 assumption. It's fact.

25 **Q.** So you know which cell phone tower it connected to?

~~WILDE - CROSS~~

1 A. Yes, sir; by reading the records.

2 Q. But what you don't know is whether that's the closest
3 cell phone tower?

4 A. Well, I don't general -- I can't pinpoint the location of
5 where the phone was, so I'm just providing a generalized
6 location based upon where the cell phone tower and sector are
7 located.

8 Q. Okay. So what you're really saying is this is where the
9 cell phone tower is located?

10 A. No, sir. What I'm saying is that where the tower's
11 located and the side of the tower that it's using, the phone's
12 going to be between the tower that's being used and the next
13 one in the direction that that sector faces.

14 Q. Is that always true?

15 A. It's not always true, but most of the time it is.

16 Q. All right. Now, the technical characteristics of a
17 cell tower will affect whether or not a cell phone connects to
18 it; right?

19 A. May I ask you which technical characteristics you're
20 referring to.

21 Q. Well, for example, the height.

22 A. Yes.

23 Q. Radio waves, you mentioned that you studied radio
24 propagation theory, I think you said, radiofrequency theory --

25 A. Yes, sir.

~~WILDE - CROSS~~

1 Q. -- correct?

2 Radio waves are line of sight; right?

3 A. They are or are not, sir?

4 Q. They are.

5 A. Yes, sir.

6 Q. They go straight; right?

7 A. Yes.

8 Q. And if there's something that gets in their way, they
9 stop; right?

10 A. They can be blocked or slowed down, sir.

11 Q. Okay. So, for example, if they hit a building -- you
12 mentioned apartment buildings earlier. If they hit a building,
13 they don't go around it, do they?

14 A. They can hit the building. Some of the waves will go
15 through and some will go around, yes, sir.

16 Q. Okay. Will they go around and meet back up in the back,
17 or they just kind of bounce off?

18 A. They just kind of bounce off.

19 Q. Okay. The weather affects -- affects it, doesn't it?

20 A. Unless the tower is struck by lightning, the weather does
21 not affect it, sir.

22 Q. Does rain affect the propagation of radio waves?

23 A. No, sir. My phone works fine in the rain.

24 Q. I'm sorry?

25 A. Our phones work fine in the rain.

~~WILDE - CROSS~~

1 Q. But does it affect the way that the waves travel?

2 A. No, sir.

3 Q. Not at all?

4 A. The equipment is designed to stay outside and be in the
5 weather and to work over a long period of time.

6 Q. Listen carefully to my question: I'm not asking: Does it
7 disable it? I'm asking: Does it affect it?

8 A. I don't believe so.

9 Q. You don't believe so. Okay.

10 And you already said that physical obstructions can block
11 radio waves?

12 A. They can; but, again, they're accounted for by the -- by
13 the networks and by the engineers when they design the network.

14 Q. Uh-huh. Okay. Is it possible, for example, if I'm in an
15 office building and I'm on the 27th floor and there's a
16 cell tower on the first floor of that building but there's also
17 a cell tower two blocks away on the 27th floor, is it possible
18 I can connect to the other building as opposed to my building?

19 A. I'd expect you to connect to the other building --

20 Q. You would?

21 A. -- because your phone would have better line of sight --

22 Q. Right.

23 A. -- from that tower to where you actually are located.

24 Q. Even though it's not the closest?

25 A. Correct.

~~WILDE - CROSS~~

1 Q. Okay. And you said that there is equipment that will
2 allow you to determine a tower's range --

3 A. Yes, sir.

4 Q. -- is that right?

5 What's a drive test?

6 A. A drive test is using that equipment, placing it in our
7 car, and driving whatever sector or whatever the location
8 you're interested in.

9 And then we have a piece of software that interprets that
10 data onto like a graphical, onto a map so we can see how far
11 that sector reaches.

12 Q. Did you do drive tests on any of the cell phone towers in
13 your report?

14 A. No, sir.

15 Q. Why not?

16 A. Because I didn't receive this case until almost a year
17 after it occurred, and I didn't believe that that would be the
18 right thing to do. Nor did I have any question about which
19 cell tower would provide coverage to any of the locations.

20 Q. Well, when you say it wouldn't be the right thing to do,
21 why not?

22 A. Because the networks can change over time.

23 Q. All right. I want to show you --

24 MR. ENZINNA: Your Honor, I apologize, but I'm having
25 some difficulties with the computer. I can't seem to get it to

~~WILDE - CROSS~~

1 show what I want it to show.

2 Oh, there it is. Got it. Okay. All right.

3 **THE COURT:** There seems to be several things on the
4 screen at the same time.

5 **MR. ENZINNA:** Yes, I'm trying to pull this down so I
6 can get it. Here, let me turn off the -- turn that off. Then
7 I can't see it on my computer.

8 **THE COURT:** Do you have this in paper? Is the
9 electronic evidence thing --

10 **MR. ENZINNA:** I do have it on paper. Let me try to do
11 this on paper.

12 **BY MR. ENZINNA:**

13 **Q.** Let's just use this as an example. This is Page 9 of your
14 report on the Edwards murder.

15 **THE COURT:** All right. There we go.

16 **BY MR. ENZINNA:**

17 **Q.** Okay. Now, you see -- let's -- right here there's a
18 Cell Tower Number 8128; right?

19 **A.** Yes, sir.

20 **Q.** And that's facing roughly southeast?

21 **A.** Yes.

22 **Q.** So the azimuth is something like a hundred degrees,
23 something like that?

24 **A.** Yes, sir.

25 **Q.** And you testified earlier that this green -- I'm sorry,

~~WILDE - CROSS~~

1 this blue area right there (indicating) is not indicative of
2 the range; right?

3 A. Correct.

4 Q. That's just indicating the direction?

5 A. Yes.

6 Q. Okay. And you also testified earlier that the phone need
7 not be within that little pie shape (indicating); right?

8 A. Correct.

9 Q. And I think you also said need not be within the lines.

10 A. Not exactly within the lines. Generally along the lines.

11 Q. Right. So this looks like it would extend out in those
12 directions; right?

13 A. Yes, sir.

14 Q. But, in fact, the coverage for this tower could be much
15 different, couldn't it? It could be something like that
16 (indicating), couldn't it?

17 A. I mean, I would agree with the shape of that, but I would
18 not agree that it overlaps some of those other towers. I think
19 it's going to be a lot closer to the core of that sector.

20 Q. I see. Okay.

21 A. And in my experience, it is a lot closer to the core of
22 that sector.

23 Q. Is it possible that those -- that coverage can leak out
24 here (indicating)?

25 A. I -- I doubt it.

~~WILDE - CROSS~~

1 Q. Okay.

2 A. I would doubt it.

3 Q. Okay. You have to test it to determine that?

4 A. To get 100 percent, but I'm 98 percent sure, sir.

5 Q. All right. Now, Agent Wilde, I'm going to show you Page 8
6 of your report. And you'll see there are a couple of arrows
7 that my co-counsel has drawn in here in pen (indicating), and
8 that reflects what you testified earlier about the boxes being
9 misaligned; correct?

10 A. Yes, sir.

11 Q. Okay. So let's look at this.

12 Now, this blue dot right here in the center (indicating),
13 that is 101 West 22nd Street; right?

14 A. Yes.

15 Q. Is that the recording studio?

16 A. That's what I've been told, yes, sir.

17 Q. Okay. Okay. And there are a whole bunch of towers right
18 around it (indicating); right?

19 A. Yes, sir.

20 Q. And you can see these towers -- the phone calls sort of
21 bounce from tower to tower during this time period; right?

22 A. Yes, sir.

23 Q. So -- and, for example, if you look up here (indicating),
24 here's a tower way up here (indicating); right?

25 A. Yes, sir, that's a tower.

~~WILDE - CROSS~~

1 Q. Up in the northwest corner.

2 And there's a call there at 6:56:03?

3 A. Yes, sir.

4 Q. And one at 7:05:03?

5 A. Yes, sir.

6 Q. 7:05:27. I'm sorry.

7 A. Yes.

8 Q. And then if you look down here, though, at this tower in
9 the southern part of the page, there's a call at 6:58:08;
10 right?

11 A. Yes, sir.

12 Q. So what happened was a call was made connecting to this
13 tower (indicating), then one was made connecting to this tower
14 (indicating), and then another one was made connecting to that
15 tower all in the space of five minutes; right?

16 A. Yes, sir.

17 Q. How far apart are those towers?

18 A. Probably three and a half, four miles.

19 Q. Okay. So it's more likely, isn't it, that the phone just
20 connected to different towers than it is that that person went
21 back and forth?

22 A. Overall, I believe the person went back and forth.

23 Q. Really?

24 A. But at that -- that specific time and in that
25 time-specific period, it was probably moving and connecting to

~~WILDE - CROSS~~

1 multiple towers.

2 Q. Well, I'm asking about the specific time.

3 A. Okay. So between 6:56 and 7:05?

4 Q. Yes.

5 A. Okay. So at 6:56, uses this one. This tower up at the
6 top, 635, is up on a big hill. So, again, going back to your
7 line-of-sight example, it's probably in a place where it has
8 better line of sight to that cell tower for a second when it
9 makes that telephone call.

10 Then this 6:58 tower is on top of an apartment building.
11 And it probably has better line of sight, let's say, over to
12 83, which is an elevated highway.

13 Q. Okay.

14 A. And then going back over to 7:05, it probably had better
15 line of sight for a minute where it made that call.

16 The actual target location in this -- in this case is
17 somewhat in a bit of a bowl over there in East Baltimore;
18 whereas, you have a couple high points -- you have Druid Hill.
19 This tower up here is a radio tower that's on top of the hill
20 by Loyola University.

21 Q. Okay.

22 A. And it's on a big, giant radio tower. It's going to have
23 a little further sight than a tower that's a little closer or
24 down in that actual bowl.

25 Q. But the point is in those ten minutes, this -- with this

~~WILDE - CROSS~~

1 one cell phone, you don't know if that person was stationary or
2 moving; right?

3 **A.** I don't know for sure, but, again, in my experience, I
4 believe that they moved, that they were moving at that time.

5 **Q.** That they moved from the cell phone tower up here in the
6 north, northwest, to somewhere closer to this southern
7 cell tower and then back, closer to the northern cell tower, in
8 a space of ten minutes?

9 **A.** Again, I believe that tower in the northwest has a larger
10 coverage area because of its proximity where it's located on
11 top of that hill and then facing down south towards that bowl
12 area where the -- where the 22nd Street location is here.

13 **Q.** But the coverage area wouldn't impact your determination
14 of whether the person was moving, would it?

15 **A.** I mean, I just look at it overall. I'm looking at what
16 that tower is versus what the other towers are and where
17 they're located.

18 **Q.** But you believe that the more likely explanation for these
19 calls is that instead of this person being in one spot and the
20 call just simply bouncing off different towers, you believe the
21 more likely explanation is that this person got closer to that
22 tower (indicating) for one call, moved closer to this tower for
23 the next call (indicating), and then moved closer to that tower
24 (indicating) within ten minutes?

25 **A.** I believe that they were moving around, sir. I don't know

~~WILDE - CROSS~~

1 where within that area they were. All I know is out of
2 anywhere on earth, they were in that area.

3 Q. Okay. Now -- all right. Now, we talked earlier about
4 cell towers and how cell towers would not -- well, remember we
5 talked earlier about cell towers being in between other
6 cell towers?

7 A. Yes, sir.

8 Q. And so, presumably, if a cell phone -- a cell phone
9 wouldn't jump from this cell tower to that cell tower if
10 there's a cell tower in between them, would it?

11 A. Again, you're -- going back to your line-of-sight example,
12 yeah, that's possible. If there's a hill, a tower on top of a
13 hill, and then a low area with a couple towers in it and then
14 another hill, yeah, that tower could jump over those lower
15 towers.

16 Q. So, for example, on this -- in this map, there is a tower
17 (indicating); right?

18 A. Yes, sir.

19 Q. And there's a tower (indicating). There's a tower
20 (indicating). There's a tower (indicating). There's a tower.
21 There's a tower (indicating). It looks to me there's about six
22 towers in between this tower (indicating) and that tower
23 (indicating), but the call was bouncing between those two
24 (indicating).

25 A. Yes, sir. Again, that tower is on a huge hill on a big

~~WILDE - CROSS~~

1 radio or TV tower up there on TV Hill facing East Baltimore.

2 Q. Now, your report doesn't indicate where any of these
3 towers are located in terms of whether they're on hills or on
4 apartment buildings or anything like that, does it?

5 A. No, sir.

6 Q. But you'd note that, though?

7 A. I do know that, yes.

8 Q. All right. Now, you testified earlier about an analysis
9 of cell phone records on the night of February 11th through
10 12th, 2012; correct?

11 A. Yes, sir.

12 Q. This is Page 20 of your report.

13 All right. No. That's the wrong page. I apologize.

14 You talked -- you analyzed cell phone records for these
15 three different phones; right?

16 A. Yes.

17 Q. And one of the phones was associated with Mr. Edwards;
18 right?

19 A. Yes.

20 Q. And I'm going to show you what has been marked as
21 Exhibit CDR-1-A; do you recall that?

22 A. Yes, sir. I can't really read that, though.

23 Q. Yeah, I know. I'm having trouble with the focus. I
24 apologize.

25 All right. Do you recognize it, though?

1 **A.** Yes.

2 **Q.** That is the --

3 **A.** It looks like the call-detail records from the
4 (410) 259-8098.

5 **Q.** That's the phone you were told was associated with
6 Mr. Edwards; right?

7 **A.** Yes, sir.

8 **Q.** Okay. Now, I'm going to flip ahead several pages, and
9 their pages aren't marked. So I don't know the exact page
10 number, but it's on February 12th, 2015.

11 **A.** Yes, sir.

12 **Q.** Do you see that page?

13 Now, if you look at the bottom of the page, there's all
14 these numbers here (indicating) with the letter F after them.
15 What does that mean?

16 **A.** It means it was forwarded, most likely to voicemail.

17 **Q.** Okay. And those calls all occurred after 1:00 a.m. on the
18 15th; correct?

19 **A.** Yes, sir. They start at 1:50.

20 **Q.** And at that point Mr. Edwards had been killed; correct?

21 **A.** I believe so.

22 **Q.** So he -- so --

23 But here's a phone call right here -- well, there's two
24 calls right here at 12:43; right?

25 **A.** Yes, sir.

~~WILDE - CROSS~~

1 Q. And one is 13 and 28. Are those seconds?

2 A. Yes, sir.

3 Q. So there are two calls here, a total of 40 seconds at
4 12:43.

5 Now, you testified earlier that the 9-1-1 call for
6 Mr. Edwards' murder came in at 1 -- 12:59; correct?

7 A. I didn't testify to that, sir.

8 Q. Oh, I thought you did.

9 A. No, sir, I did not.

10 Q. Do you know when it came in?

11 A. No, sir, I do not.

12 Q. Okay. All right. Do you know -- so on this record here,
13 it lists a number here, and I know you probably can't read it
14 up there, but I can show it to you, if you like. It's -- the
15 numbers he called at 12:43, he called the same number twice.
16 It's (443) 453-8132.

17 A. May I see the records?

18 Q. Sure.

19 A. I can't read them.

20 Q. Sure.

21 (Handing.) (Indicating.)

22 A. Yes, sir. So that number is (443) 453-8132.

23 Q. Whose number is that?

24 A. I have no idea.

25 Q. Were you asked to look into that number at all?

~~WILDE - CROSS~~

1 **A.** No, sir.

2 **Q.** Is that the last call that James Edwards received?

3 **A.** Well, it was an outgoing call, sir.

4 **Q.** Oh, the last call he made?

5 **A.** Yes, sir.

6 **Q.** Okay. So if he made a phone call less than 15 minutes
7 before he died, would you expect the investigators to look into
8 who the call was made to?

9 **A.** Possibly.

10 **Q.** Okay. All right. Now I want to go back to the -- to your
11 report --

12 **MR. ENZINNA:** And, Your Honor, I have a map that I'd
13 like to show the agent, if I may. May I pull it up?

14 **THE COURT:** Oh, sure. You mean you want to use the
15 easel?

16 **MR. ENZINNA:** Yes. Some old-school technology,
17 something I can handle.

18 **BY MR. ENZINNA:**

19 **Q.** Agent Wilde, do you recognize that?

20 **A.** Yes. It looks like a map from the west side of
21 Baltimore City and Baltimore County.

22 **THE CLERK:** If you're going to stand, over here
23 (indicating).

24 **MR. ENZINNA:** Your Honor, may I stand at the map?

25 **THE COURT:** Yes, sure. As Ms. Moyé has suggested, if

~~WILDE - CROSS~~

1 you'd please get the mic on, then you can stand by the map.

2 **BY MR. ENZINNA:**

3 **Q.** All right. Agent Wilde, this is roughly the area where --
4 this includes the area of the maps in your report; correct?

5 **A.** Yes.

6 **Q.** But it sort of puts them together; right?

7 **A.** Yes.

8 **Q.** Okay. Now, let's start -- this is your report; right?

9 And you see this blue pin (indicating). That's

10 5200 Windsor Mill Road; correct?

11 **A.** Yes.

12 **Q.** That's where the gas station is, the BP station?

13 **A.** Yes, sir.

14 **Q.** And this red pin right here is Collins Avenue
15 (indicating). That is where Mr. Edwards was killed --

16 **A.** Yes.

17 **Q.** -- correct?

18 Okay. So I'm going to label those on here.

19 **THE COURT:** If you need to get up and go look, that's
20 fine.

21 **BY MR. ENZINNA:**

22 **Q.** Okay. That's Windsor Mill and Forest Park. That's where
23 the gas station is; correct?

24 **A.** I can't read the map, sir.

25 **Q.** Do you want to come down and take a look?

~~WILDE - CROSS~~

1 **A.** Yes, sir.

2 Yes, that's right.

3 **Q.** And why don't you stand there for a minute because you're
4 going to have to do a couple more of these.

5 **THE COURT:** Wait. Do we have another mic? Or swing
6 that around.

7 Yes. Thank you.

8 **BY MR. ENZINNA:**

9 **Q.** And there's Collins Avenue (indicating); right?

10 **A.** Yes, sir.

11 **Q.** That's where the murder --

12 **A.** Yes, sir.

13 **Q.** That's where the murder took place?

14 **A.** Let me just double-check to make sure it's in the right
15 spot.

16 **Q.** Sure.

17 **A.** Yes, that's correct.

18 **Q.** Okay. Now, you also marked a couple of other landmarks in
19 your report.

20 This blue pin on the right side there, that's 101
21 West 22nd Street?

22 **A.** Yes, sir.

23 **Q.** And up here in the northwest corner, the green pin
24 (indicating), that is 3901 Princely Way?

25 **A.** Yes.

~~WILDE - CROSS~~

1 Q. That's where Mr. Bailey lived?

2 A. Yes.

3 Q. So the recording studio is off here (indicating)?

4 A. Yes, sir. It's off the right side of the map.

5 Q. And Princely Way is up here (indicating); right?

6 A. Yes, sir.

7 Q. Now, if you look on here, you had call records for
8 significant periods of time, right, for months?

9 A. I believe so.

10 Q. So were most of the calls in this area (indicating)?

11 A. I haven't looked at them in that -- in that fashion to
12 determine which one was the most popularly used tower or
13 anything like that, sir.

14 Q. Okay. Okay. Now, you also testified -- well . . .

15 Your report shows a couple of calls that were made by that
16 cell phone that you attributed to Mr. Bailey, and it pinged off
17 these two towers (indicating) near Druid Hill Park, right --
18 well, north of Druid Hill Park?

19 A. Yes, sir.

20 Q. Okay. There's this tower, 6174. There was a ping at
21 15:31 and 23:02?

22 A. Yes.

23 Q. That's quarter after 12:00 and 23 after 12:00; right?

24 A. Yes, sir.

25 Q. And then there's a ping at this tower (indicating), 663-2,

~~WILDE - CROSS~~

1 at 12:16 and 12:17.

2 A. Yes.

3 Q. So is 12:16 one minute after 0:15?

4 A. Yes, it is.

5 Q. Okay. So the call was bouncing between these two towers
6 (indicating); correct?

7 A. Yes, sir.

8 Q. So the phone was most likely located somewhere between
9 them?

10 A. Yes.

11 Q. Okay. So it looks to me like this tower is right about
12 here (indicating), right, 6174?

13 A. Yes. Yes.

14 Q. Okay. Let's put that in here.

15 Okay. And this tower, it looks like it is right about
16 here (indicating); right?

17 A. It's at Cold Spring and Park Heights.

18 Q. There's Park Heights (indicating) and Cold Spring
19 (indicating). So that's right here?

20 A. Yes.

21 Q. And it's pointing that way (indicating). Okay.

22 A. Yep.

23 Q. All right. How far is it from here (indicating) to
24 Collins Avenue (indicating)?

25 A. It's probably two and a half miles, two miles.

~~WILDE - CROSS~~

1 Q. Two and a half miles?

2 And how far is it from here (indicating) to Princely Way
3 (indicating)?

4 A. It's probably seven miles.

5 Q. Okay. And how far would it be to go from here
6 (indicating) down here (indicating) and up to Princely Way
7 (indicating)?

8 A. I don't know that, sir.

9 Q. You don't know?

10 A. No.

11 Q. Okay. But what you testified to was that there's a call
12 from Mr. Bailey at 12:23 that originates somewhere around here
13 (indicating)?

14 A. Yes.

15 Q. And the next call is at 1:28 a.m. over here at
16 Princely Way (indicating) --

17 A. Yes.

18 Q. -- right?

19 So presumably, that phone moved from here (indicating) to
20 there (indicating)?

21 A. Yes, it did.

22 Q. Okay. And if, in -- so -- now, let me ask you this: Are
23 there -- on that night, the night of February 12th, between the
24 hours of, say, 11:00 p.m. and 1:00 a.m., did Mr. Bailey's tower
25 [sic] ping off any tower that is closer to 300 Collins Avenue

~~WILDE - CROSS~~

1 than this tower (indicating)?

2 **A.** No, sir.

3 **Q.** Okay. So the closest your phone puts Mr. Bailey -- the
4 closest your analysis puts Mr. Bailey to that murder scene is
5 several miles; correct?

6 **A.** Yes, sir.

7 **Q.** Okay. And what you can say, based on your analysis, is
8 that that phone was here (indicating) at 12:23 and it was here
9 at 1:28 --

10 **A.** That's correct.

11 **Q.** -- right?

12 Okay. And what happened between those two, you don't
13 know?

14 **A.** I have no idea because there's no record for me to map
15 between those two time periods. There's nothing for me to map,
16 so I can't tell you where the phone was between -- I can't tell
17 you where the phone was between those two time periods, because
18 if there's no records to map, there's no activations on that
19 phone, that's all I have is what I have and what I've shown
20 here.

21 **Q.** Okay. All right. So what you are really saying, then, is
22 that it is possible that Mr. Bailey's phone was present at the
23 murder of James Edwards?

24 **A.** I've never said that, sir.

25 **Q.** Is it not possible?

~~WILDE - REDIRECT~~

A. I mean, it's possible.

Q. Right. Are you saying anything more than that?

A. No, sir.

MR. ENZINNA: Thank you. No further questions.

THE COURT: Thank you, Mr. Enzinna.

Anybody --

MR. ENZINNA: Your Honor, I'd like to introduce the map as Exhibit 8.

THE COURT: Any objection?

MS. PERRY: No, Your Honor.

THE COURT: All right. That's a defense exhibit. That's Defense Exhibit 8, the map, is admitted.

Any other questions?

(No response.)

THE COURT: Mr. Enzinna is taking off his microphone.

MR. ENZINNA: I apologize. It's probably best to just keep all of it away from me.

THE CLERK: And can you move your easel.

Thank you.

THE COURT: Thank you.

Any redirect?

MS. PERRY: Just one question, Your Honor.

REDIRECT EXAMINATION

BY MS. PERRY:

Q. Agent Wilde, in your experience analyzing call-detail

~~LEE - DIRECT~~

1 records, is the name listed in subscriber information always
2 the true user of a phone?

3 **A.** Absolutely not.

4 **MS. PERRY:** Thank you.

5 **THE COURT:** Thank you very much, sir.

6 **THE WITNESS:** Thank you, ma'am.

7 **THE COURT:** You're excused.

8 (Witness excused.)

9 **THE COURT:** All right. Does the Government have
10 another witness?

11 **MS. HOFFMAN:** Yes. The Government calls Timothy Lee.

12 **THE CLERK:** Please raise your right hand.

13 POLICE OFFICER TIMOTHY LEE, GOVERNMENT'S WITNESS, SWORN.

14 **THE CLERK:** Please be seated.

15 Please speak directly into the microphone.

16 State and spell your full name for the record, please.

17 **THE WITNESS:** Timothy Lee, T-I-M-O-T-H-Y, L-E-E.

18 **THE CLERK:** Thank you.

19 DIRECT EXAMINATION

20 **BY MS. HOFFMAN:**

21 **Q.** Good afternoon, Officer Lee.

22 **A.** Good afternoon.

23 **Q.** With which law enforcement agency are you employed?

24 **A.** Baltimore County.

25 **Q.** And how long have you been with Baltimore County?

~~LEE - DIRECT~~

1 **A.** Six years and three months.

2 **Q.** And what's your unit and title there?

3 **A.** I'm a patrol officer out of Wilkens precinct.

4 **Q.** Were you in law enforcement prior to being with
5 Baltimore County Police Department?

6 **A.** Yes.

7 **Q.** Where were you prior to that?

8 **A.** Baltimore City.

9 **Q.** And how long were you with the Baltimore City Police
10 Department?

11 **A.** Four and a half years.

12 **Q.** As of September of 2012, were you with the Baltimore City
13 Police Department?

14 **A.** Yes.

15 **Q.** And what was your unit and title then?

16 **A.** I was a patrol officer, uniform.

17 **Q.** And which district were you in?

18 **A.** Southwest District.

19 **Q.** I want to talk to you about the evening of September 12th
20 of 2012.

21 Were you on duty and working that evening?

22 **A.** Yes.

23 **Q.** And what were you doing?

24 **A.** Just answering calls for service, patrolling the area.

25 **Q.** And when you say "the area," what general area were you

~~LEE - DIRECT~~

1 working in?

2 A. Windsor Mill and Forest Park and in Baltimore City.

3 Q. Did there come a time when you were asked to respond to
4 1903 North Forest Park Avenue?

5 A. Yes.

6 Q. Can you tell us what happened.

7 A. Yes. I had just finished a traffic stop. Myself,
8 Officer Hafer, and Officer Brown was in the area. We were
9 approached by a citizen who stated that there were some
10 gentlemen or individuals inside of 1303 West Forest Park
11 smoking marijuana and wanted us to get 'em out of there.

12 Q. And I believe you said 1303 just then. Did you mean 1903?

13 A. I'm sorry. Yes, 1903.

14 Q. I'm going to show you Government's Exhibit MAP-34.

15 And would you mind using this map to indicate where you
16 responded to?

17 A. Yes. It's going to be the second apartment off of
18 Carmine, close to (indicating) . . .

19 Q. Should be able to circle it on the screen there. There
20 you go.

21 A. Okay. Got you (indicating).

22 Q. And I believe you said there were other officers with you.
23 Officer Brown and Officer Hafer?

24 A. Yes.

25 Q. And did you respond to that location, to 1903 Forest Park?

~~LEE - DIRECT~~

1 A. Yes.

2 Q. Had you made arrests in that area before?

3 A. Yes.

4 Q. And what was the area like?

5 A. It's a high drug area, a lot of violence.

6 Q. What happened when you got to the building?

7 A. As we approached the building, Defendant Shakeen Davis was
8 exiting the apartments. At that time I told him not to go
9 nowhere.

10 He tried to run. I grabbed him by the shirt and put him
11 on the ground or sidewalk and I handcuffed him or detained him
12 while we went inside the apartments to check out the other
13 individuals that were in there.

14 Q. And why did you detain him?

15 A. Due to the call of the citizen with the marijuana and the
16 criminal activity, wanted to investigate it.

17 Q. And I believe you said you identified the male as
18 Shakeen Davis?

19 A. Yes.

20 Q. And I'm going to show you Government's Exhibit IND-19.

21 Do you recognize that individual there?

22 A. Yes.

23 Q. And who is that?

24 A. Shakeen Davis.

25 Q. Was a search or pat-down conducted of Mr. Davis?

~~LEE - DIRECT~~

1 A. Yes.

2 Q. And what, if anything, was recovered from Mr. Davis?

3 A. A .45 automatic Smith & Wesson handgun.

4 Q. And which officer was it who recovered the gun?

5 A. Officer Brown.

6 Q. I'm going to approach and show you

7 Government's Exhibit F-1. (Handing.)

8 Do you recognize that exhibit?

9 A. Yes, ma'am.

10 Q. And what is it?

11 A. It's a Smith & Wesson .45-caliber handgun.

12 Q. And is that the gun that was recovered from Mr. Davis on

13 September 12th of 2012?

14 A. Yes, ma'am.

15 Q. I'm going to show you Government's Exhibit F-1-A.

16 And what are we looking at here?

17 A. That is the tag that you put on any evidence that goes to
18 evidence management where it's held for storage or for cases.

19 Q. And the gun we're looking at here, is that the same gun
20 that's sitting in front of you, Government's Exhibit F-1?

21 A. Yes, ma'am.

22 Q. Was the gun loaded?

23 A. Yes.

24 Q. How many rounds was it loaded with?

25 A. Five rounds.

~~LEE - CROSS~~

1 Q. What happened to the gun once Officer Brown recovered it
2 from Mr. Davis?

3 A. I took possession of the gun and submitted it for
4 evidence.

5 Q. Was Mr. Davis placed under arrest?

6 A. Yes.

7 Q. And aside from this arrest, did you have any other
8 involvement in this investigation?

9 A. No.

10 MS. HOFFMAN: Thank you, Officer Lee. I have no
11 further questions.

12 THE WITNESS: Thank you.

13 THE COURT: All right. Mr. Hazlehurst?

14 MR. HAZLEHURST: I believe I'm in.

15 CROSS-EXAMINATION

16 BY MR. HAZLEHURST:

17 Q. Good afternoon, Officer.

18 A. Good afternoon.

19 Q. My name is Paul Hazlehurst. I represent Shakeen Davis.

20 So you are currently working as a Baltimore County police
21 officer; correct?

22 A. That's correct.

23 Q. So back in 2012, you were working for Baltimore City?

24 A. That's correct.

25 Q. Wearing a uniform; correct?

1 A. Yes, sir.

2 Q. Just a different uniform?

3 A. That's correct.

4 Q. Now, you've testified that on September 12th of 2012, you
5 got a complaint from a citizen; correct?

6 A. That's correct.

7 Q. And the complaint was that people were smoking marijuana.

8 A. Correct.

9 Q. And it was in a building, an apartment building; correct?

10 A. Yes, sir.

11 Q. And so you went to that building; correct?

12 A. Yes, sir.

13 Q. Okay. Now, in conjunction with your activities that day,
14 you wrote a report, didn't you?

15 A. Yes, sir.

16 MR. HAZLEHURST: Okay. Your Honor, if I may approach?

17 THE COURT: Sure.

18 BY MR. HAZLEHURST:

19 Q. I'm going to show you what's been marked as Defendant's
20 Exhibit 2 for purposes of identification. It's marked on the
21 back.

22 Can you examine that report, sir.

23 A. Yes, sir.

24 Q. Does that appear to be the report that you wrote?

25 A. Yes, it is.

~~LEE - CROSS~~

1 Q. And you were complete in writing that report; is that
2 correct, sir?

3 A. Yes, sir.

4 Q. Accurate?

5 A. Yes, sir.

6 Q. And truthful?

7 A. Yes, sir.

8 Q. Okay. Now, when you went to that building, you said
9 Mr. Davis was exiting the building; correct?

10 A. Yes, sir.

11 Q. No evidence that he was smoking marijuana; correct?

12 A. Yes, sir.

13 Q. Okay. But you detained him, nonetheless; right?

14 A. Yes, sir.

15 Q. Okay. You said he basically tried to get past you. You
16 put him down on the ground; right?

17 A. Yes, sir.

18 Q. Handcuffed him; is that correct?

19 A. Yes, sir.

20 Q. Okay. You also found another man and another woman in
21 that apartment building, didn't you?

22 A. Yes, sir.

23 Q. Okay. And you held on to them for a little bit, didn't
24 you?

25 A. Yes.

~~LEE - CROSS~~

1 Q. Now, you never did find any evidence that anybody was
2 smoking any marijuana that day; right?

3 A. No, sir.

4 Q. Okay. But when you put Mr. Davis on the ground, at that
5 point you recovered a firearm; correct?

6 A. Yes, sir.

7 Q. Okay. Now, you have no evidence as to when Mr. Davis may
8 have gotten that firearm, do you?

9 A. No, sir.

10 Q. You have no evidence that Mr. Davis ever used or fired
11 that firearm, do you?

12 A. No, sir.

13 Q. And you had no evidence or idea how long Mr. Davis had had
14 that firearm in his possession, did you?

15 A. No, sir.

16 Q. Okay. One last thing, Officer. You -- when you wrote the
17 report, you had to take down some information; correct?

18 A. Yes, sir.

19 Q. And you did determine Mr. Davis' age; correct?

20 A. Yes, sir.

21 Q. Okay. And that age was 18 at that time; is that right?

22 A. That's correct.

23 Q. Okay. You never found any other evidence on Mr. Davis,
24 did you, sir?

25 A. No, sir.

~~LEE - CROSS~~

1 Q. No drugs?

2 A. No.

3 Q. Either for personal use or something that would indicate
4 to you that he was selling drugs?

5 A. No, sir.

6 Q. No cash?

7 A. No, sir.

8 MR. HAZLEHURST: No further questions, Your Honor.

9 THE COURT: Thank you.

10 Anybody else?

11 (No response.)

12 THE COURT: Any redirect?

13 MS. HOFFMAN: No redirect. Thank you.

14 THE COURT: Thank you, sir. You are excused.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: Would the Government like to call another
18 witness?

19 MS. PERRY: Yes, Your Honor. The Government calls
20 Officer Scott Young.

21 THE CLERK: Please raise your right hand.

22 DETECTIVE SCOTT YOUNG, GOVERNMENT'S WITNESS, SWORN.

23 THE CLERK: Please speak directly into the microphone.
24 State and spell your full name for the record, please.

25 THE WITNESS: Scott Young, S-C-O-T-T, Y-O-U-N-G.

~~YOUNG - DIRECT~~

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. With which law enforcement agency do you work?

A. I work for Baltimore County Police.

Q. And what is your unit and title there?

A. I'm a detective with the Homicide Unit.

Q. How long have you been a detective with the Homicide Unit at the Baltimore County Police Department?

A. Just about a year.

Q. And how long have you been with the Baltimore County Police Department?

A. A couple months short of 15 years.

Q. And back in April of 2015, what was your unit and title then?

A. I was assigned to the Narcotics Unit, which is -- the Community Drug Unit is what I was assigned to.

Q. How long were you with the Narcotics Unit?

A. I was with the Narcotics Unit about six and a half years.

Q. And during your time with the Baltimore County Police, have you received any training in making drug-related arrests?

A. Yes.

Q. Can you briefly summarize that training for us.

~~YOUNG - DIRECT~~

1 **A.** Sure. I received about 40 hours of training through the
2 police academy. And then throughout the time after that,
3 probably another hundred-or-so hours specific to drug
4 identification and drug distribution.

5 **Q.** Now, I want to direct your attention to April 23rd of 2015
6 at about 4:00 p.m. Were you working at that time?

7 **A.** Yes.

8 **Q.** Where were you at about 4:00 p.m. that day?

9 **A.** I was conducting surveillance on Rolling Road, looking
10 down at Vosges Road.

11 **Q.** Why were you at that location?

12 **A.** That month I'd received a complaint from a citizen who was
13 reporting drug activity specifically in the parking lot of
14 Vosges Road. What they reported was that an individual --

15 **MS. WHALEN:** Objection.

16 **THE COURT:** Sustained.

17 **BY MS. PERRY:**

18 **Q.** Without telling us what they reported, were you in that
19 particular area following up on this complaint?

20 **A.** Yes.

21 **Q.** So I want to show you, first, what's in -- what's been
22 marked as Government's Exhibit MAP-9.

23 Can you tell us what we're looking at here.

24 **A.** Sure. That's a map of that area.

25 **Q.** And where were you on that particular day, on April 23rd?

~~YOUNG - DIRECT~~

1 A. If you're looking at the red dot, it was just to the left
2 of that in an apartment complex looking down Vosges Road.

3 Q. What, if anything, happened while you were there?

4 A. When I began conducting surveillance, I had observed an
5 individual in a gray sweatshirt begin walking down Vosges Road
6 from a high-rise apartment complex. He was on his cell phone.
7 He was walking slowly.

8 Q. Did you later identify who that individual was?

9 A. Yes.

10 Q. Who was that?

11 A. His name is Altonayo Edges.

12 Q. I'm going to show you Government's Exhibit IND-26.

13 Do you recognize this person?

14 A. Yes.

15 Q. Who is this?

16 A. Altonayo Edges.

17 Q. And did you determine if Mr. Edges had a nickname he went
18 by?

19 A. He went by the nickname of Chicken Box.

20 Q. Now, I'm going to show you Government's Exhibit MAP-8.

21 Can you tell us what we're looking at here.

22 A. Yes. That would be my point of view looking down
23 Vosges Road from where I was conducting surveillance from.

24 Q. And when you first saw Mr. Edges, where was he?

25 A. He was walking down -- there's a high-rise apartment

YOUNG - DIRECT

1 building towards the end of the road that's pictured. It's
2 called Twin Lakes Circle. He was walking down that road
3 towards my location.

4 Q. What happened next?

5 A. As he continued down the road, he wound up walking towards
6 Rolling Road. And at that point a dark-colored Lexus with
7 tinted windows stopped in that intersection and then picked him
8 up. He got in the rear driver's seat -- or rear seat behind
9 the driver.

10 Q. At the time that Mr. Edges got into the vehicle, did you
11 know who was driving?

12 A. No.

13 Q. Did you ultimately learn who was driving that vehicle?

14 A. Yes.

15 Q. And who was that?

16 A. Dante Bailey.

17 Q. I'm going to show you Government's Exhibit IND-3.

18 Do you recognize this person?

19 A. Yes. That's Dante Bailey.

20 Q. So after you saw Mr. Edges get into the vehicle, what
21 happened next?

22 A. After he got in the vehicle, I maintained surveillance for
23 about five minutes until the vehicle went to a gas station in
24 the area.

25 Q. What happened once the vehicle arrived at the gas station?

YOUNG - DIRECT

1 A. The vehicle parked at one of the gas pumps facing the gas
2 station. It was an Exxon. And then I proceeded to park next
3 to the building and continue surveillance.

4 Q. Now, I'm going to show you Government's MAP-10.

5 Do you recognize this?

6 A. Yes. That's the gas station at Windsor Mill Road and
7 Rolling Road.

8 Q. And you said that you saw the vehicle pull up into the gas
9 station. Can you tell us where, about, you saw the vehicle
10 pull up.

11 A. Sure. It was pulled where the black car is on the far
12 right, facing that same direction.

13 Q. And where were you?

14 A. I was parked next to the building, facing the building, so
15 I would have been in front of that vehicle.

16 Q. What happened while the vehicle was in the gas station?

17 A. As I watched the vehicle, Mr. Edges exited the vehicle.
18 And then he walked over to another vehicle, which was a Toyota
19 that was facing the opposite direction, and he got into the
20 back of that vehicle.

21 Q. How long was he in the back of the vehicle?

22 A. It was short, probably about ten seconds.

23 Q. What happened next?

24 A. After getting out of the vehicle, he returned to the
25 Lexus. And then the Lexus left the gas station lot.

~~YOUNG - DIRECT~~

1 Q. Did you see anyone from inside of the Lexus go into the
2 gas station?

3 A. No.

4 Q. And did anyone pump gas at the gas station?

5 A. No.

6 Q. How long, approximately, was the Lexus at the gas station?

7 A. It was a short amount of time. Maybe a few minutes. One
8 to two minutes.

9 Q. And based on what you saw Mr. Edges do and the vehicle do,
10 what did you believe had happened?

11 A. I believed that it was an indication that it was involved
12 in some type of illegal drug activity.

13 Q. And what made you believe that?

14 A. It was based on my initial reasons for conducting
15 surveillance at the apartment complex and then based on my
16 observations of the persons inside the car not conducting any
17 business at the gas station. Also, with Mr. Edges going into
18 another vehicle for a short period of time and then immediately
19 leaving.

20 Q. What happened after that?

21 A. I continued surveillance of this Lexus down
22 Windsor Mill Road until I could communicate to a patrol officer
23 to have the vehicle stopped for a traffic violation.

24 Q. And was the vehicle, in fact, pulled over?

25 A. Yes.

~~YOUNG - DIRECT~~

1 Q. And did you -- were you able to observe that happening?

2 A. Yes.

3 Q. And once the vehicle was stopped, did you approach the
4 vehicle?

5 A. Yes, I did.

6 Q. What happened then?

7 A. I approached with the patrol officer and identified all
8 four of the occupants inside the vehicle.

9 Q. And, again, who were the occupants of the vehicle?

10 A. Dante Bailey was the driver. Curtis Bailey was the front
11 passenger. And Altoneyo Edges was the back passenger behind
12 the driver. And Seth Grinnich was the back right passenger.

13 Q. Now, did there come a point after the vehicle was stopped
14 that you requested additional law enforcement assistance?

15 A. Yes.

16 Q. What did you request?

17 A. I requested a K9 dog respond to the scene to do a scan of
18 the vehicle.

19 Q. And did a K9 respond?

20 A. Yes.

21 Q. And what happened once the K9 responded?

22 A. Once the K9 responded, all the occupants were already out
23 of the vehicle. The dog conducted a scan of the vehicle.

24 Q. And did the dog alert to the vehicle?

25 A. Yes.

~~YOUNG - DIRECT~~

1 Q. What happened after that?

2 A. After that, a search was conducted on the vehicle based on
3 the K9 alerting to the vehicle.

4 Q. And what, if anything, was recovered?

5 A. From the backseat, there was a gray sweater that was --
6 would have been between the passengers in the back. And inside
7 that sweater there was a plastic bag that had 23 baggies of
8 brown powder, which was consistent with heroin.

9 Q. I'll show you Government's Exhibit AP-2-A.

10 Do you recognize this?

11 A. Yes. That was the sweater in the back of the vehicle.

12 Q. And where was the -- where were the drugs in the sweater?

13 A. They were in the right -- the right front pocket, the one
14 that has the writing on it.

15 Q. I'm now going to show you what's been marked as
16 Government's Exhibit D-3. (Handing.)

17 Do you recognize Government's Exhibit D-3?

18 A. Yes.

19 Q. What is it?

20 A. This is the packaging of the drugs that I recovered from
21 the vehicle.

22 Q. And, again, what was the quantity of drugs recovered?

23 A. They were 23 individual baggies. And then, ultimately, it
24 weighed to about -- I think it was approximately 21 grams of
25 heroin.

~~YOUNG - DIRECT~~

1 Q. I'm going to show you Government's Exhibit AP-2-B.

2 Can you tell me what we're looking at here.

3 A. Yes. That's the overall image of the drugs that were
4 recovered packaged to go to our chemistry lab for analysis.

5 Q. And is this just a photograph of what's in front of you as
6 Government's Exhibit D-3?

7 A. Yes.

8 Q. Now, based on your training and experience and the way the
9 drugs appeared, what can you tell us about them?

10 A. They're individually packaged, which is consistent for
11 street sale. They range from approximately 100 to \$120 per
12 baggie. Each baggie is approximately a gram of heroin.

13 Q. Now, after this was recovered, were the occupants of the
14 vehicle placed under arrest?

15 A. Yes.

16 Q. And where were they taken?

17 A. They were taken to the Woodlawn precinct in
18 Baltimore County.

19 Q. At this time did you interview Mr. Bailey?

20 A. Yes, I did.

21 Q. And before the interview began, did you read him his
22 Miranda rights?

23 A. Yes, I did.

24 Q. And did Mr. Bailey acknowledge that he understood?

25 A. Yes, he did.

~~YOUNG - DIRECT~~

1 Q. After that, what did -- did you ask him any questions?

2 A. Yes, I did. I --

3 Q. What did he tell you?

4 A. He told me that the sweater that I produced to him inside
5 the interview room was his.

6 Q. Did you also speak to Mr. Edges?

7 A. Yes.

8 Q. And what did he say?

9 A. Mr. Edges initially said that the drugs that were
10 recovered were his. When I further questioned him on the
11 quantity and the packaging, manner in which they were
12 recovered, he seemed confused and kind of threw out some
13 numbers that didn't make sense or match what was recovered.

14 Q. Now, I want to show you one final exhibit. This is
15 Government's Exhibit CELL-15-A; this has come into evidence as
16 an excerpt from a cell phone. And I'm going to turn to Page 8
17 of this exhibit.

18 Looking down here at the photograph at the bottom, can you
19 tell us who's in this photograph.

20 A. Dante Bailey.

21 Q. And does the sweater in this photograph appear to be
22 consistent with the one that you recovered on April 23rd?

23 A. Yes.

24 MS. PERRY: Your Honor, may we approach briefly?

25 THE COURT: Yes.

1 (Bench conference on the record:

2 **THE COURT:** You want to play the jail call?

3 **MS. PERRY:** Yes, Your Honor, at this point I do have
4 some more questions for Detective Young about a separate
5 incident, but it would be at this point that I would seek to
6 play the jail call.

7 **THE COURT:** What is the relevance from your point of
8 view?

9 **MS. PERRY:** It is a conversation between Mr. Bailey
10 and Mr. Edges, who were arrested together. It is -- shows
11 their connection.

12 It also is discussion by Mr. Bailey of the affairs of
13 the gang. He discusses Nizzy, who is a co-conspirator in the
14 gang who is alleged to be involved in a number of incidents
15 with respect to this gang. And I believe that it's relevant
16 and . . .

17 **THE COURT:** Okay. And you want to go through, I think
18 you mentioned, the Black Blood reference --

19 **MS. PERRY:** Yes.

20 **THE COURT:** -- as well?

21 All right. Other than maybe slightly communicative?

22 **MS. WHALEN:** There's no additional objection.

23 **THE COURT:** You can play it.)

24 (Bench conference concluded.)

25 **BY MS. PERRY:**

~~YOUNG - DIRECT~~

1 Q. At this point I do want to play a jail call that's come
2 into evidence as Government's Exhibit JAIL-1. This is J-23,
3 and the transcript is on Page 81 of the jail call tab.

4 Before I play it, Detective, can you see over here on the
5 right-hand side, can you just tell us the name of the inmate.

6 A. Altoneyo Edges.

7 Q. And can you tell us the date and time of this call.

8 A. July 20th, 2015, 19:43 hours.

9 Q. I'm going to play just the beginning of the call.

10 (Audio was played but not reported.)

11 MS. PERRY: I'm going to jump ahead to two minutes and
12 36 seconds into the call, approximately.

13 (Audio was played but not reported.)

14 BY MS. PERRY:

15 Q. Now, Detective, I want to direct your attention to a few
16 months later, specifically to July 31st of 2015.

17 Did you assist in the execution of a search warrant on
18 that particular day?

19 A. Yes, I did.

20 Q. What was the location?

21 A. That was at 7 Hartley Circle, Apartment 238 in
22 Owings Mills.

23 Q. Who was the target of this search warrant?

24 A. His name was Jarmal Harrid.

25 Q. I'm going to show you Government's Exhibit IND-43.

~~YOUNG - DIRECT~~

1 Do you recognize this person?

2 A. Yes.

3 Q. Who is it?

4 A. That is Jarmal Harrid.

5 Q. Approximately what time was the search warrant executed on
6 July 31st of 2015?

7 A. It was right around 4 o'clock in the morning.

8 Q. And what was your role on the search team?

9 A. I was responsible for searching the location.

10 Q. And did you ultimately make entry into the location on
11 that morning?

12 A. Yes.

13 Q. Who did you find inside?

14 A. There was -- Jarmal Harrid was located in a back bedroom.
15 There was a female, Ms. Rhone, was also located in a bedroom.
16 And then there was a gentleman in the front living room area.
17 So there was three people total.

18 Q. What, if anything, was -- or was the house searched?

19 A. Yes.

20 Q. What, if anything, was recovered?

21 A. Specifically in the back bedroom, there was two
22 digital scales that were recovered, packaging bags. There was
23 a cell phone. There were keys to a Nissan that were -- a
24 keyfob to a Nissan that was recovered from the floor. And then
25 there was marijuana that was recovered that was both

~~YOUNG - DIRECT~~

1 individually packaged and then a quantity just by itself of
2 marijuana.

3 Q. Was there any money recovered?

4 A. Yes. There was \$7,746 in U.S. currency. And that was
5 separated in three different locations, one being pants inside
6 a closet; a dresser drawer; and then inside the bed sheets of
7 the bed in the room.

8 Q. Were there photographs taken of the location and the items
9 recovered?

10 A. Yes, there were.

11 Q. So I want to start by showing you
12 Government's Exhibit SW-3-A.

13 What are we looking at here?

14 A. That's the front door to the residence.

15 Q. Turning to SW-3-B.

16 What are we looking at here?

17 A. That is marijuana.

18 Q. SW-3-C?

19 A. Marijuana.

20 Q. SW-3-D?

21 A. Additional marijuana inside another bag.

22 Q. SW-3-E?

23 A. Digital scale.

24 Q. SW-3-F, what are we looking at here?

25 A. Same thing, digital scale.

~~YOUNG - DIRECT~~

1 Q. SW-3-G?

2 A. Packaging bags.

3 Q. SW-3-H?

4 A. Packaging bags.

5 Q. SW-3-I?

6 A. U.S. currency.

7 Q. SW-3-J?

8 A. Additional U.S. currency.

9 Q. And finally, SW-3-K?

10 A. U.S. currency.

11 Q. Now, you mentioned that you recovered a key from the house
12 as well.

13 Did you learn where that key belonged?

14 A. Yes. That was for a Nissan Altima that was parked in the
15 parking lot in front of the location.

16 Q. And did there come a time when you searched that Nissan?

17 A. Yes.

18 Q. How did that come about?

19 A. We requested a K9 unit to do a scan of the vehicle, which
20 resulted in an alert for controlled, dangerous substances.

21 Q. And did you, in fact, after the alert search the car?

22 A. Yes.

23 Q. What, if anything, was recovered from the vehicle?

24 A. There were registration plates for a Honda Accord -- I
25 believe it was a Honda Accord that was listed in the

~~YOUNG - DIRECT~~

1 search warrant. And then there were two larger bags of brown
2 powder that was consistent with heroin. Those were located
3 underneath where your gearshifter would be in the car,
4 underneath the plastic.

5 And then there were also prescription pills located in the
6 vehicle.

7 **Q.** And were photographs taken of those items as well?

8 **A.** Yes.

9 **Q.** I'm going to show you SW-3-L.

10 First of all, what are we looking at here?

11 **A.** That's the keyfob that was located in the back bedroom of
12 the residence.

13 **Q.** SW-3-M, what are we --

14 **A.** That's a front picture of the car.

15 **Q.** SW-3-N, what are we looking at here?

16 **A.** That is a picture of the bags of brown powder that were
17 taken from the car.

18 **Q.** Now, I want to show you, first, what's been marked as
19 Government's Exhibit 10-A.

20 I'm actually going to bring you 10-A and 10 as well.

21 (Handing.)

22 So, first, looking at Government's Exhibit D-10-A, can you
23 tell us what that is.

24 **A.** Okay. You said D-10 or D-10-A?

25 **Q.** D-10-A.

~~YOUNG - DIRECT~~

1 **A.** All right. D-10-A. So this is evidence that was
2 recovered from 7 Hartley Circle, which contains marijuana, some
3 prescription pills, digital scale, and then additional
4 marijuana.

5 **Q.** And is that the items that were recovered from inside the
6 house?

7 **A.** Yes.

8 **Q.** And looking now at Government's Exhibit D-10, which is
9 also in front of you, can you tell us what this is.

10 **A.** Yes. That contains some bags with brown powder that were
11 recovered underneath where the gearbox would be, a
12 digital scale, and additional prescription pills.

13 **Q.** And were those the items recovered from inside the
14 vehicle?

15 **A.** Yes.

16 **Q.** Now, based on your experience as a trained narcotics
17 investigator, what can you tell us about the quantity that was
18 recovered from both the house and the vehicle?

19 **A.** So the marijuana was packaged both individually for sale
20 and also additionally in quantity that was located in the
21 house. And based on the packaging baggies, the digital scales,
22 in conjunction with the marijuana, it was consistent for street
23 distribution.

24 As far as the heroin that was located in the car, I
25 believe it was about 60 grams of heroin, which has an

~~YOUNG - CROSS~~

1 approximate street value of about \$6,000, and that's in
2 sufficient quantity for street distribution.

3 **MS. PERRY:** Nothing further. Thank you.

4 **THE COURT:** Ms. Whalen.

5 **MS. WHALEN:** Thank you, Your Honor.

6 CROSS-EXAMINATION

7 **BY MS. WHALEN:**

8 **Q.** Good afternoon, Detective Young.

9 **A.** Good afternoon.

10 **Q.** I'm going to first ask you about the jail call that you
11 listened to before, and that was on July 20th of 2015; does
12 that sound accurate?

13 **A.** Yes.

14 **Q.** Okay. So that's some approximately -- well, approximately
15 two months after the stop that you told us about with a Lexus
16 car where Mr. Bailey was driving and Mr. Edges was in the
17 backseat; correct?

18 **A.** Yes.

19 **Q.** Because that was April 23rd of 2015?

20 **A.** Yes, ma'am.

21 **Q.** Now, in that call, do you recall Mr. Edges saying, "You
22 still on the box?"

23 **A.** Yes.

24 **Q.** And did you in -- you know that to mean -- "box" meaning
25 electronic monitoring; is that correct?

~~YOUNG - CROSS~~

1 A. Yes.

2 Q. Okay. In other words, sometimes people are given pretrial
3 release, meaning before their case comes to court. And part of
4 their release is to wear an electronic monitoring bracelet; is
5 that correct?

6 A. Yes.

7 Q. Okay. And then the common street name is "box"; right?

8 A. Yes.

9 Q. Now, let's go to the stop of the Lexus.

10 You were watching to see if there was any drug activity;
11 correct?

12 A. Yes.

13 Q. And you saw a gentleman that you later learned to be
14 Mr. Edges walking down the road; correct?

15 A. Correct.

16 Q. You see him to get into a Toyota while the car is parked
17 for a short period of time at the Exxon; correct?

18 A. Correct.

19 Q. And at that point he was the only one that got out of the
20 car; right?

21 A. Yes.

22 Q. Mr. Bailey remained in the driver's seat; correct?

23 A. Yes.

24 Q. And the other two young people were in the car; correct?

25 A. Yes.

~~YOUNG - CROSS~~

1 Q. When I say "young people," approximately how old were the
2 other two individuals in the car?

3 A. I think they were in their late 20s or 30 or so, something
4 like that.

5 Q. Okay. So maybe I mischaracterized. You know, someone in
6 their 20s; right?

7 A. Correct.

8 Q. Okay. And they didn't get out and do anything suspicious
9 either; right?

10 A. No.

11 Q. Okay. So when you searched that car, you found the
12 sweater that you showed us a picture of; right?

13 A. Yes.

14 Q. And that sweater, you said, was in between the two people
15 in the backseat?

16 A. Yes.

17 Q. Okay. Now, you have testified about this particular
18 incident at another time, have you not?

19 A. Yes.

20 Q. Okay. And at that time do you recall saying that the
21 sweater was behind the two individuals in the backseat?

22 A. Behind them? No.

23 Q. So it's between, not behind?

24 A. Yes.

25 Q. Okay. And do you remember whether it was crumpled up,

~~YOUNG - CROSS~~

1 folded up, or how it was actually laying on the seat?

2 A. I mean, I would just kind of classify it as they were --
3 it was thrown on the seat. I wouldn't say it was folded or
4 anything like that.

5 Q. Are you the actual person that took the sweater out of the
6 car?

7 A. No.

8 Q. Okay. So someone else handled it?

9 A. Someone else made the initial observation, I guess, is the
10 best way to describe it.

11 Q. And are you the person who actually searched the sweater?

12 A. Yes. I recovered the evidence.

13 Q. Okay. So you found a bag with some individual rock-like
14 substance in it; correct?

15 A. Powder substance, yes.

16 Q. That was powder? Okay.

17 A. Yes.

18 Q. And that powder was actually in a baggie in the front
19 pocket of the sweater; correct?

20 A. Yes.

21 Q. All right. And then when you got back to the station,
22 Mr. Bailey tells you, "That's my sweater, but that's not my
23 heroin"; right?

24 A. Correct.

25 Q. And Mr. Edges says, "That's my heroin"; right?

~~YOUNG - CROSS~~

1 **A.** Yes.

2 **Q.** Or did he use the word "heroin"?

3 **A.** He didn't use the word "heroin."

4 **Q.** Okay. But "that's my stuff" or something like that;
5 right?

6 **A.** I think his term was, "It's mine."

7 **Q.** And, of course, you saw him get out to another car where
8 you suspected he sold some drugs to whoever was in the Toyota;
9 right?

10 **A.** Yes.

11 **Q.** And he also told you that he thought there were about nine
12 or ten pieces or rocks or -- in the baggie; right?

13 **A.** Yes. He used the term "nine or ten."

14 **MS. WHALEN:** Thank you, sir.

15 That's all I have.

16 **THE COURT:** Okay. Anybody else?

17 (No response.)

18 **THE COURT:** Any redirect?

19 **MS. PERRY:** No, Your Honor. Thank you.

20 **THE COURT:** Thank you very much, sir.

21 **THE WITNESS:** Thank you, Your Honor.

22 **THE COURT:** You are excused.

23 (Witness excused.)

24 **THE COURT:** I'm assuming this might be a good moment
25 for the afternoon recess, and you'll have a witness after that?

1 **MS. PERRY:** Yes, Your Honor.

2 **MS. HOFFMAN:** We will.

3 **THE COURT:** All right. Ladies and gentlemen, we'll
4 excuse the jury.

5 (Jury left the courtroom at 3:37 p.m.)

6 **THE COURT:** Okay. And we will excuse the gallery.

7 We'll take the recess.

8 (Recess taken.)

9 **THE COURT:** All right. Ready for the jury?

10 **MS. HOFFMAN:** Yes.

11 **THE COURT:** Okay.

12 (Jury entered the courtroom at 4:01 p.m.)

13 **THE COURT:** Does the Government have another witness?

14 **MS. PERRY:** Yes, Your Honor. At this time the
15 Government calls Detective Kevin Carvell.

16 **THE CLERK:** Please raise your right hand.

17 DETECTIVE KEVIN CARVELL, GOVERNMENT'S WITNESS, SWORN.

18 **THE CLERK:** Please be seated.

19 Please speak directly into the microphone.

20 State and spell your full name for the record, please.

21 **THE WITNESS:** My name is Kevin Carvell. First name is
22 K-E-V-I-N; last name, Carvell, C-A-R-V-E-L-L.

23 **THE CLERK:** Thank you.

~~CARVELL - DIRECT~~

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. With which law enforcement agency are you currently employed?

A. By Department of Public Safety and Correctional Services.

Q. And how long have you been with the Department of Public Safety and Correctional Services?

A. Just shy of three years.

Q. And what are your duties and responsibilities with DPSCS?

A. I'm assigned to a public corruption squad. We investigate corruption within the jail facilities throughout the state of Maryland.

Q. And before joining DPSCS, where did you work?

A. I was employed by Baltimore City Police for approximately 24 years.

Q. And back in 2015, were you working with BPD then?

A. I was.

Q. And what was your unit and title back in 2015 with the Baltimore Police?

A. I was in the district detective unit in the Southwest District, and I was assigned to a shooting squad.

Q. And did your work with the Southwest District shooting squad cover the area near Forest Park and Windsor Mill?

~~CARVELL - DIRECT~~

1 **A.** Yes, it did.

2 **Q.** How often would your routine work take you past this
3 location?

4 **A.** Several occasions.

5 **Q.** And did you become familiar with individuals who were
6 frequently in that area?

7 **A.** I did.

8 **Q.** So I want to direct your attention, first, to May 30th of
9 2015. Were you working on May 30th of 2015?

10 **A.** Yes, I was.

11 **Q.** And were you assigned to investigate an incident that
12 occurred near the BP gas station at Windsor Mill and
13 Forest Park?

14 **A.** I was.

15 **Q.** What was the nature of that investigation?

16 **A.** I was called for a shooting. We responded out to
17 Forest Park, Windsor Mill. It was a four-door Honda car
18 sitting in the roadway. The -- had obviously several
19 bullet holes in it from the back to the front. Side windows
20 were blown out of it. Two victims had already been transported
21 to the hospital by the time I had gotten there.

22 **Q.** Let me back up a little bit. Did you learn about what
23 time the shooting occurred?

24 **A.** I think it was 5:00 p.m., a little after 5:00.

25 **Q.** And you said that you went to that location.

~~CARVELL - DIRECT~~

1 When you first arrived, what did it look like?

2 **A.** Well, there were, obviously, police cars there. There
3 were officers there. And there was just a silver Honda Accord
4 parked in the travel lane.

5 **Q.** Did you approach the vehicle?

6 **A.** I did, yes.

7 **Q.** And was there anything around the vehicle that you
8 noticed?

9 **A.** There was a bloody T-shirt, I believe, was laying on the
10 ground next to the car.

11 **Q.** Were there any ballistics in the area?

12 **A.** Yes. There was -- I believe it was nine or ten
13 5.56-caliber shell casings that were there, which is,
14 obviously, I believe, fired from a rifle. That type of round
15 is usually fired from a rifle.

16 **Q.** So you said they were 5.56-caliber casings?

17 **A.** Correct.

18 **Q.** And you said, based on the kind of casing, what were you
19 able to determine about the gun?

20 **A.** I believe that it was a rifle that had fired those
21 cartridges.

22 **Q.** And you mentioned that there were individuals who had
23 already been transported to the scene. Were there any victims
24 at the scene when you arrived?

25 **A.** No. The victims had already been transported.

~~CARVELL - DIRECT~~

1 Q. And were photos taken of how the area was observed when
2 you first arrived?

3 A. Yes. Baltimore City crime lab responded and photographed
4 the car in place and the surrounding area. Yeah.

5 Q. I want to start by showing you Government's
6 Exhibit CS-3-1.

7 First of all, can you tell me what we're looking at here.

8 A. That is a picture of the BP gas station on the corner of
9 Forest Park and Windsor Mill.

10 Q. And where in relation -- where in this photograph was the
11 vehicle you described that was in the lane of traffic?

12 A. So in relation to -- it would be kind of in the lower
13 left-hand corner off -- off the screen.

14 Q. Okay. Turning now to CS-3-2.

15 What are we looking at here?

16 A. That is the -- the lower part of that previous picture,
17 that is the -- down on Forest Park. That's the -- not the
18 police car. The car in front of that is actually the victim's
19 vehicle parked in the center of the roadway.

20 Q. And just for orientation purposes, where is the gas
21 station in relation to this photograph?

22 A. So it would be -- it would be at the bottom of the
23 picture, which would be up the hill. So this is kind of a
24 downward slope, so it would be on the upward slope at the
25 bottom.

~~CARVELL - DIRECT~~

1 Q. So sort of off the bottom right corner of the photograph?

2 A. Bottom left.

3 Q. Off the bottom left corner?

4 A. Yes.

5 Q. And where, using Government's Exhibit CS-3-2, were the
6 casings that you described, generally?

7 A. So generally, again, not the police car, the silver car
8 that you can see kind of in front of the police car, they were
9 along the left side of that silver car.

10 Q. And you mentioned, I believe, that there were bullet holes
11 in the vehicle.

12 On which side of the vehicle were those?

13 A. They were on the driver's side of the car, the left side
14 of the car.

15 Q. Turning now to CS-3-3, what are we looking at here?

16 A. Again, picture of the car parked in the roadway. This is
17 actually behind the vehicle, as you can tell.

18 The cones represent shell casings that are in the roadway.
19 And, again, picture from the back and it kind of shows the
20 whole entire vehicle. T-shirt's laying in the road off to the
21 left side of the quarter panel down at the bottom.

22 Q. Turning your attention now to CS-3-4, what are we looking
23 at here?

24 A. Again, it's another picture of that vehicle, more so from
25 the passenger side of the car. And, again, you can see the

~~CARVELL - DIRECT~~

1 windows have been shattered out. The passenger-side windows
2 have been shattered out as well. The front tire is also flat.

3 **Q.** Turning to CS-3-5.

4 What are we looking at here?

5 **A.** Okay. Again, just another shot of the vehicle. This is
6 the driver's side of the car. Again, you can see back window
7 shattered out. The hole next to the gas door looks very large.
8 And then, as you see, they kind of go up the side of the car.

9 **Q.** Now, based on the way the vehicle appeared and the way
10 that the shell casings were, were you able to determine or did
11 you form an opinion about how the bullet holes got in the car?

12 **MR. HAZLEHURST:** Objection.

13 **THE COURT:** Basis?

14 **MS. PERRY:** I'll rephrase.

15 **BY MS. PERRY:**

16 **Q.** Were you able to determine if there were actually what
17 appeared to be bullet holes in the car?

18 **A.** Yes.

19 **Q.** And can you, just using the photograph, indicate the
20 location of those.

21 **A.** Yes. So the bullet holes in the car, again, you can see
22 the back window has been shattered out. There is an actual
23 hole that you can see in the lower kind of like left part of
24 the back window. It's shattered, but you can actually see a
25 hole through it. There's one by the gas door, one by the back

~~CARVELL - DIRECT~~

1 door. I don't think -- I think there was some additional up
2 the side of the car. You really can't really see in this
3 photograph.

4 Q. Let me turn to CS-3-6.

5 What are we looking at here?

6 A. Again, this is another shot of the very front part of the
7 car. And, again, you see the -- so now you see yellow
8 placards. Those are from the crime lab.

9 So when an officer would respond, they would use orange
10 cones to mark out the shell casings. When crime lab could
11 respond, they replace them with numbered placards. And then
12 patrol guys would exchange -- or the crime lab would exchange
13 the yellow cones with their placards for photographs. That's
14 why there's a difference there.

15 Q. Turning now to CS-3-7.

16 What are we looking at here?

17 A. Yeah. That's -- so the yellow cone is a crime lab
18 placard. This is a -- one of the shell casings that this was
19 marking.

20 The weight, I believe, is just to hold that in place so it
21 doesn't get blown away.

22 Q. Turning to CS-3-8, what are we looking at here?

23 A. Again, that's another one of the casings.

24 Q. CS-3-9?

25 A. An additional casing.

~~CARVELL - DIRECT~~

1 Q. CS-3-10?

2 A. An additional casing.

3 Q. CS-3-11?

4 A. Additional casing.

5 Q. CS-3-12, what are we looking at here?

6 A. Again, an additional casing.

7 Q. CS-3-13, what are we looking at here?

8 A. That's, again, an additional casing.

9 Q. CS-3-14?

10 A. An additional casing.

11 Q. And, finally, CS-3-15?

12 A. Again, an additional casing.

13 Q. Now, in addition to the photos taken at the scene, was the
14 vehicle -- first, was the vehicle towed?

15 A. It was. It was towed back to the Southwest District.

16 Q. And were there additional photos of the vehicle taken
17 there?

18 A. There was, yes.

19 Q. So I'm going to show you Government's Exhibit CS-3-16.
20 What are we looking at here?

21 A. That's a picture of the car in the garage at the
22 Southwest District police station. And, again, it shows
23 bullet holes in the left door, driver's side door, the roof,
24 windshield, and the front fender right at the beginning of the
25 pillar where the windshield is.

~~CARVELL - DIRECT~~

1 Q. And turning to CS-3-17, what are we looking at here?

2 A. And, again, this is just another shot of the car from the
3 back. Again, shows those holes in the rear window, the quarter
4 panel by the gas door. I believe there's another right above
5 the wheel.

6 And, again, you can see that the -- that may or may not be
7 one above the door handle. I can't really tell from this
8 photograph.

9 Q. Detective, did you learn if anyone had been injured?

10 A. I'm sorry?

11 Q. Did you learn if anyone had been injured?

12 A. Yes. There was one person that sustained two graze wounds
13 to the back, and the other person in the car received cuts on
14 his hands from when the glass was shattered in the car.

15 Q. And did you learn the identity of the individuals who were
16 in this car?

17 A. I did. Dana Johnson was the driver. He was the one who
18 was struck in the back by the bullets. And the person by the
19 name of D'Andre Gwynn was the passenger in the car, sitting in
20 the front passenger seat.

21 Q. I'm going to show you Government's Exhibit IND-52.

22 Do you recognize this person?

23 A. I do. That is Dana Johnson.

24 Q. And, again, you said you learned that Dana Johnson was the
25 driver?

~~CARVELL - DIRECT~~

1 **A.** Yes.

2 **Q.** And turning now to IND-40, do you recognize this person?

3 **A.** Yes. That is D'Andre Gwynn.

4 **Q.** I want to show you Government's Exhibit CS-3-18.

5 Who are we looking at here?

6 **A.** That is another picture of Dana Johnson in the hospital
7 bed.

8 **Q.** And CS-3-19.

9 Can you tell us what we're looking at here.

10 **A.** Yeah. It's -- so down on the left part of his lower back,
11 you can see a bandage with a little bit of blood on it. That's
12 the area of the back where the two bullets grazed his back.

13 **Q.** And CS-3-20, is this just a close-up of that?

14 **A.** Yes.

15 **Q.** And, finally, CS-3-21, can you tell us what we're looking
16 at here.

17 **A.** That is D'Andre Gwynn.

18 **Q.** And CS-3-22?

19 **A.** Photograph of his left hand where glass -- again, he got
20 cut when the window shattered out of the car.

21 **Q.** Did you attempt to interview Mr. Johnson and Mr. Gwynn?

22 **A.** I did.

23 **Q.** And were they cooperative with you?

24 **A.** No. Both refused to give any type of statement about what
25 happened.

~~CARVELL - DIRECT~~

1 Q. Now, I want to play you a jail call that has already come
2 into evidence as Government's Exhibit JAIL-1. This is J-17,
3 and the transcript is on Page 63 of the transcript binder.

4 I'm going to play you a couple portions of this call.
5 But, first, looking here at the transcript, can you just tell
6 me who the inmate making the call was.

7 A. Yes. It's Inmate Sydni Frazier.

8 Q. And can you tell us the date and time of the call.

9 A. July 1st, 2015.

10 Q. I'm going to play a short portion starting at around
11 6 minutes and 15 seconds into the call.

12 (Audio was played but not reported.)

13 MS. PERRY: I'm going to jump ahead now to 7 minutes
14 and 28 seconds into the call.

15 (Audio was played but not reported.)

16 BY MS. PERRY:

17 Q. I'm going to pull the transcript back up. This is J-17.

18 Detective, did you hear where one of the participants said
19 [reading]: You got the G35, Shorty?

20 A. Yes.

21 Q. And then ask [reading]: What color is your shit -- what
22 color your shit is?

23 A. Uh-huh. Yes, I did.

24 Q. And did you hear that the -- did you hear the response
25 [reading]: I did some dumb shit out of there. You feel me?

~~CARVELL - DIRECT~~

1 So that . . . on a green tip now.

2 Did you hear that?

3 A. Yes.

4 Q. Now, I want to jump ahead and direct your attention to
5 July 22nd of 2015.

6 Were you working on that particular day?

7 A. Yes, I was.

8 Q. And were you assigned to investigate another shooting at
9 or near the BP gas station at Windsor Mill and Forest Park?

10 A. Yes, I was.

11 Q. And did you learn about what time that shooting occurred?

12 A. It was a little after 10:00 p.m.

13 Q. Did you go to that location?

14 A. Yes, I did.

15 Q. And can you describe what you observed when you arrived.

16 A. When I arrived, the gas station had been cordoned off.
17 There was crime scene tape around the gas station. There was
18 no vehicles on that lot. There was no victims there.

19 In front of the gas station, there were six .380-caliber
20 shell casings. To the right of the door, there was a pair of
21 flip-flops. To the left of the door, there was a sock. I
22 believe there was a T-shirt there.

23 Some bullet fragments around some of the pumps. It looks
24 like bullets that struck the pumps fragmented. And there was
25 some blood by, I believe, Pump 3, if I remember correctly.

~~CARVELL - DIRECT~~

1 There's a little side street that runs beside the gas
2 station. It's called Muth Street. On Muth Street there was
3 ten .40-caliber shell casings. There was a -- the holster to a
4 weapon there. No weapon. Just a holster. And there was
5 some -- I believe it was \$92 in cash that was laying there on
6 the ground.

7 **Q.** Now, I believe you mentioned that there were shell casings
8 in two separate locations or at least ballistics in two
9 separate locations.

10 First, you said there were -- I believe you said that
11 there were some by the gas pumps.

12 **A.** Yes. There were some fragmented bullets. The
13 shell casings were more kind of in front of the door to the gas
14 station. It was like a small sidewalk that you step up to go
15 into the door. They were kind of laying on that sidewalk or
16 directly in front of that sidewalk near the door.

17 **Q.** And what were the caliber of those shell casings?

18 **A.** Those were .380.

19 **Q.** And then you mentioned that there was some other ballistic
20 evidence over on the side street.

21 What was the caliber of those?

22 **A.** Those were .40-caliber.

23 **Q.** And so because there were .380s and .40-calibers, is that
24 consistent with being fired from two separate firearms?

25 **A.** Yes.

~~CARVELL - DIRECT~~

1 Q. Were photos taken of the location?

2 A. There were. Crime lab responded also. Baltimore City
3 crime lab responded, took photographs of that location.

4 Q. I want to show you Government's Exhibit CS-4-1.

5 What are we looking at here?

6 A. That is the gas station lot of the BP at Windsor Mill and
7 Forest Park. And, again, you see crime scene tape like right
8 around the door. That had been expanded out to the outside of
9 that photograph. It was actually on the outer fringes of the
10 parking lot so nobody could enter into the parking lot.

11 Q. And where was the area where you saw the .380-caliber
12 casings?

13 A. So there's kind of -- I don't know if it's a -- the trash
14 can that's sitting just to the left of the door. So they were
15 kind of between that trash can and the other trash can on the
16 other side of the door. They were kind of in -- on that
17 sidewalk right in front of that sidewalk, kind of between those
18 two trash cans.

19 Q. I'm showing you Government's Exhibit CS-4-2.

20 What are we looking at here?

21 A. It's kind of the reverse angle of the gas station being
22 shot from the other side.

23 Q. And where is the side street that you were talking about
24 earlier?

25 A. So if you can see the police car that's just -- you can

~~CARVELL - DIRECT~~

1 see the emblem, the Baltimore City emblem on it. It would be
2 on the other side of that vehicle.

3 Q. Turning to CS-4-3, what are we looking at here?

4 A. That's some blood spatter that was on the parking lot.

5 Q. CS-4-4.

6 What are we looking at here?

7 A. So the yellow markers are of the casings. And then the
8 ones further down I believe were the flip-flops.

9 Q. CS-4-5.

10 A. That's one of the -- I believe that's one of the
11 .380-caliber shell casings.

12 Q. Turning to CS-4-6.

13 A. Again, that's an additional casing.

14 Q. CS-4-7?

15 A. An additional casing.

16 Q. CS-4-8?

17 A. That's also an additional casing.

18 Q. CS-4-9?

19 A. An additional casing.

20 Q. CS-4-10?

21 A. And it's an additional casing as well.

22 Q. CS-4-11?

23 A. Appears to be a bullet fragment or a bullet that's
24 mushroomed out that slightly struck something.

25 Q. CS-4-12, what are we looking at here?

~~CARVELL - DIRECT~~

1 A. That's kind of an overall of the parking lot. This is
2 more -- so there's kind of three lanes at the gas station. You
3 have one far right, you have the center, and then next to the
4 building. So this is kind of more of a shot of that center
5 drive between the two sets of pumps.

6 Q. Turning to CS-4-13, what are we looking at here?

7 A. Again, appears to be part of a bullet fragment.

8 Q. CS-4-14?

9 A. Again, another bullet fragment.

10 Q. CS-4-15, now, what are we looking at here?

11 A. Okay. This would be a picture of Muth Street. The gas
12 station parking lot would be off to your right, and these are
13 the ten .40-caliber shell casings that were on Muth Street.

14 Q. Do you know if there is a barbershop in the area near the
15 BP?

16 A. There is. You can see part of the sign on the building in
17 kind of the upper right-hand portion of the picture. So the
18 door to the barbershop, I believe, is either the first or
19 second door. If you're going down Muth Street, it would be on
20 your right. I think it's the first or second door to get you
21 into the barbershop.

22 Q. Turning to CS-4-16, this is a close-up of one of the
23 casings?

24 A. Yes, it is.

25 Q. CS-4-17?

~~CARVELL - DIRECT~~

1 A. Again, additional casing.

2 Q. CS-4-18?

3 A. An additional casing.

4 Q. CS-4-19?

5 A. An additional casing.

6 Q. CS-4-20?

7 A. An additional casing.

8 Q. CS-4-21?

9 A. An additional casing.

10 Q. CS-4-22?

11 A. That's an additional casing.

12 Q. CS-4-23?

13 A. That's an additional casing.

14 Q. And CS-4-24?

15 A. Also an additional casing.

16 Q. Detective, were you able to recover video from this area?

17 A. We did. We recovered video from the gas station. Due to
18 camera angles, there was nothing -- it didn't show anything.

19 It didn't show anything that happened on the lot outside. We
20 got nothing at all.

21 Q. Was there additional video in the area that you were able
22 to recover?

23 A. Yes.

24 Q. And what area did that particular video show?

25 A. It showed Muth -- it showed down Muth Street, and you

~~CARVELL - DIRECT~~

1 could see the left portion of the gas station lot.

2 Q. So I want to show you Government's Exhibit SF-6.

3 And I'm just going to pause it here. Can you just orient
4 us. Where is this facing?

5 A. So it's facing down -- down Muth Street. And, again, it
6 would give you a portion of the front of the gas station as
7 well, off to the right.

8 Q. Now, I want to start and jump ahead to about eight minutes
9 into this video, and I'm only going to show you a couple of
10 seconds of the video.

11 (Video played.)

12 BY MS. PERRY:

13 Q. I'm playing from about eight minutes for a couple of
14 seconds.

15 Pausing here for a second.

16 Is this before or after the time that the shooting
17 occurred that we're looking at here?

18 A. It would be before.

19 Q. Are you sure that this is before? Let me actually back up
20 and show you from about three minutes into the video.

21 A. Okay.

22 Q. I'm going to show you about 30 seconds from 3 minutes in.

23 (Video played.)

24 BY MS. PERRY:

25 Q. I'm pausing it here at about four minutes into the video.

~~CARVELL - DIRECT~~

1 I'm now -- did you see what appeared to be people sort of
2 leaving the area?

3 **A.** Yes; quickly.

4 **Q.** I'm going to move ahead now to about eight minutes into
5 the video and play just a couple of seconds of this.

6 (Video played.)

7 **MS. PERRY:** I'm going to pause it here.

8 **BY MS. PERRY:**

9 **Q.** During your time with the Southwest District, did you
10 become familiar with an individual named Dante Bailey?

11 **A.** Yes.

12 **Q.** And have you met Mr. Bailey?

13 **A.** I have met him in person, yes.

14 **Q.** Have you seen Mr. Bailey walk?

15 **A.** I have.

16 **Q.** And over your interactions with Mr. Bailey, have you
17 become familiar with his stature and his walk?

18 **A.** I have.

19 **Q.** So looking -- first, let me show you -- actually, let me
20 not.

21 Let me ask you, looking here at this sort of portion of
22 the video, did you see any individuals who were consistent in
23 size and stature with Mr. Bailey?

24 **A.** Yes.

25 **Q.** And who is that?

~~CARVELL - DIRECT~~

1 **A.** Somewhat center of the screen, you see the car that's
2 coming out of the gas station parking lot towards Muth Street?
3 Just on the far side of that, that person is consistent with
4 the walk of Mr. Bailey.

5 **Q.** So now we're referring back to the 3 minutes and
6 30 seconds into the video which we watched a few moments ago.

7 I'm just going to pause it here.

8 Were you able to see that individual who you described as
9 consistent with Mr. Bailey in this portion of the video?

10 **A.** Yes. He appears to be standing -- I wouldn't say the
11 middle, but in -- in -- somewhat in the middle of the -- the
12 group there. He's got the lighter bottoms on. Not the one on
13 the left, but the one kind of in the middle.

14 **Q.** Now, did you learn if anyone had been injured in this
15 shooting?

16 **A.** Yes.

17 **Q.** Who had been injured?

18 **A.** I probably won't know the first names; there was a victim
19 named Pollock who was shot in the foot. We had a victim named
20 Johnson who was shot in the chest. A victim named Mr. Shird
21 who was shot in the stomach or chest area. And we had a victim
22 named Mr. Sheppard who wasn't shot. Apparently the information
23 we have was he was knocked unconscious, and he had property
24 taken from him.

25 **Q.** So I first want to show you Government's Exhibit IND-77.

~~CARVELL - DIRECT~~

1 Do you recognize this person?

2 A. Yes. That is Mr. Shird.

3 Q. And I believe you said that Mr. Shird was shot in the
4 torso area?

5 A. Yes.

6 Q. Was he transported to the hospital?

7 A. Yes. He was actually taken to St. Agnes Hospital.

8 Q. I'm going to show you Government's Exhibit CS-24 --
9 CS-4-25.

10 Who are we looking at here?

11 A. That is Mr. Shird at the hospital.

12 Q. Now, you mentioned that Mr. Shird, Mr. Pollock, and
13 Mr. Johnson were all injured.

14 Did you attempt to talk to them?

15 A. Yes. Mr. Shird --

16 Q. Without telling us what they said, were they cooperative
17 with you?

18 A. Mr. Shird was cooperative. Mr. Pollock, not -- was not so
19 cooperative. Mr. Johnson was taken into surgery. I didn't
20 have a chance to talk with him at that point. So Mr. Sheppard
21 was not cooperative at all.

22 Q. Now, did there come a time when you learned about a
23 wiretap that had been conducted with respect to a larger
24 investigation?

25 A. Yes.

~~CARVELL - DIRECT~~

1 Q. At this time I'm going to play you -- and have you
2 listened to one of the calls from that?

3 A. I have, yes.

4 Q. So I'm going to play you what's in evidence as Wire G.
5 This is G-232, and the transcript is in the wire call tab at
6 Page 380.

7 Now, before I play the call, just looking over here at the
8 transcript, can you tell us the date of the call.

9 A. Yes. It's 7/22 of 2015.

10 Q. And when is that in relation to the shooting?

11 A. It was the same day.

12 (Audio was played but not reported.)

13 **BY MS. PERRY:**

14 Q. Did you hear when one of the participants said [reading]:
15 He was out there with the jeans and shit?

16 Right?

17 A. Yes.

18 Q. Now, the victim in this case, Mr. Shird, did you learn
19 what he was wearing on that particular night?

20 A. He was wearing blue jeans and a white T-shirt.

21 Q. And did you hear where he said [reading]: Big man and
22 them was really tryin' to fix him up right?

23 A. Yes.

24 Q. And did you hear the part where he said [reading]: It
25 ended up having two "N" words full of cars up here, but ain't

~~CARVELL - DIRECT~~

nobody know?

A. Yes.

Q. And then when the participant said [reading]: Right there on the barbershop side?

A. Yes.

Q. Now, remind us where the barbershop was.

A. The barbershop door faces Muth Street.

Q. And were there ballistics found near that location?

A. Yes. That's where the ten .40-caliber shell casings were found.

Q. And did you hear where a participant said he was trying to holla at big man with the jeans on?

A. Yes.

Q. And did you hear when he said [reading]: So basically, it was a big shootout, for real?

A. Yes, I did.

Q. And were the ballistics and the forensics recovered consistent with this being a shootout?

A. There was definitely two different guns being fired, yes.

Q. Now, I want to just turn back for just a brief moment to the May 30th, 2015 incident, the one that you described first here.

And you mentioned that the ballistics you found were consistent with a rifle. What kind of rifle might fire those ballistics?

~~CARVELL - DIRECT~~

1 **MR. HAZLEHURST:** Objection.

2 **THE COURT:** Do you want to establish a foundation.

3 **BY MS. PERRY:**

4 **Q.** In your 24 years with the Baltimore Police, are you
5 familiar with firearms?

6 **A.** Yes.

7 **Q.** Have you been trained in handling and operating firearms?

8 **A.** Yes, I have.

9 **Q.** Can you explain briefly some of that training.

10 **A.** Numerous hours in the police academy using a handgun,
11 trained on a handgun. Loading, unloading, firing, clearing
12 stoppage drills. If you get a stoppage in a weapon, how to
13 clear it. Reload, things like that.

14 I've also been to a LETTS training put on by the FBI where
15 we actually shot M4s, which is a gun that they use. It's more
16 of a semi-automatic rifle, along with the pistols and things
17 that they use, different caliber -- Baltimore City, we
18 carried .40-caliber. Some of the FBI agents carry .45s. So we
19 got to shoot different caliber weapons in that training as
20 well.

21 **Q.** And have you also been trained in identifying different
22 kinds of ballistics?

23 **A.** Yes.

24 **Q.** Now, based on your training and your experience, what kind
25 of rifle might fire those particular kinds of casings?

~~CARVELL - CROSS~~

MR. HAZLEHURST: Still note the objection, Your Honor.

THE COURT: Sure. Overruled.

THE WITNESS: Usually it's a semi-automatic-type rifle.

BY MS. PERRY:

Q. Would it be consistent with being fired from an AR-15?

A. Could be, yes.

MS. PERRY: Nothing further.

Thank you.

THE COURT: Okay. Any questions?

Ms. Whalen.

MS. WHALEN: Just a few.

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good afternoon, Detective.

A. Good afternoon.

Q. The wiretap call that you listened to, did you have any involvement in that particular wiretap?

A. No.

Q. Okay. And did you prepare the transcript?

A. No.

Q. The transcript -- I believe it's Page 380, 381, and 382.

I'm going to show you one section or one page of the -- no, I'm not.

One second, please.

~~CARVELL - CROSS~~

1 I'm looking at the top where it's highlighted.

2 A. Yes.

3 Q. And someone by the name of Spence -- do you know Spence?

4 A. I do not.

5 Q. And the other participant allegedly is Harrid; do you know
6 Harrid?

7 A. I do not.

8 Q. All right. [Reading]: It was a "N" word trying to holler
9 at big man with the jeans on.

10 Do you recall hearing that, at least --

11 A. Yes.

12 Q. -- in that call?

13 All right. And the person that you said was consistent
14 with Mr. Bailey did not have blue jeans on; right?

15 A. No. They appeared to be longer shorts. I don't know what
16 you call them, but longer shorts.

17 Q. Okay. And let's sort of figure out, when was the first
18 time you saw that camera footage?

19 A. I'm not sure what the time frame was. It was a couple of
20 weeks after, I believe, the shooting happened.

21 Q. Okay. Was that a pole camera?

22 A. I believe so, yes.

23 Q. All right.

24 A. I'm not -- I'm not sure. But based on what I saw, yes, it
25 appeared to be.

~~CARVELL - CROSS~~

1 Q. Well, did you yourself recover that video?

2 A. No, I did not.

3 Q. Who was it that showed you this video?

4 A. It was provided to me by one of the detectives, I believe,
5 out at Baltimore County.

6 Q. Baltimore County?

7 A. Correct.

8 Q. All right. And so you really don't know where that camera
9 or where that video was captured from, do you?

10 A. On the light pole across from the gas station. Yes.

11 Q. Okay.

12 A. Only 'cause I know the area. Yes.

13 Q. Sure. But what I guess I'm getting at is, really, you
14 just viewed the image and you've assumed that it is on a light
15 pole based upon what you're looking at in that video that we
16 looked at?

17 A. Correct. Yes, ma'am.

18 Q. Okay. Now, there were several individuals standing in a
19 group at one point during that video; right?

20 A. That's correct. Yes.

21 Q. And there were about three on the left, I guess. Who were
22 they consistent with?

23 A. They could be consistent with anybody.

24 Q. Anybody?

25 A. Anybody.

~~CARVELL - CROSS~~

1 Q. Okay. And the larger person with the longer pants, when
2 were you first asked to determine if you could determine who
3 that person was consistent with?

4 A. Could have been a few months ago.

5 Q. Okay. In connection with this particular investigation?

6 A. That's correct, yes.

7 Q. Okay. And you indicated you've come in contact with
8 Mr. Bailey before; right?

9 A. Yes, I have.

10 Q. And that was just, what, seeing him on the street?

11 A. I've seen him on the street. I've participated in one
12 interview where he was interviewed at the Southwest District by
13 another detective.

14 Q. I see. Okay.

15 Now, that video that we saw had some sort of delay in it,
16 did it not?

17 A. Appeared to.

18 Q. In other words, like, when there was either the cars
19 going, it would just start, stop, start, stop, start, stop;
20 right?

21 A. Yes.

22 Q. And you would agree that when we were looking at the
23 person -- or anybody walking in that video, it was also kind of
24 a start, stop, start, stop?

25 A. It was, but you could see the steps in between.

~~CARVELL - CROSS~~

1 Q. And do you know why there was a delay such as that?

2 A. I -- I don't know. I'm not familiar with the camera or
3 anything. I'm not sure.

4 Q. Okay. I'm calling it a delay. Do you have a better name
5 for what --

6 A. No --

7 Q. -- that was we were seeing?

8 A. I really don't.

9 MS. WHALEN: All right. Thank you very much,
10 Detective.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Mr. Hazlehurst.

13 MR. HAZLEHURST: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HAZLEHURST:

16 Q. Good afternoon, Detective.

17 A. Good afternoon.

18 Q. My name's Paul Hazlehurst. I represent Shakeen Davis.

19 Now, you testified that you are currently working not for
20 the Baltimore City Police Department; correct?

21 A. That's correct, yes.

22 Q. Okay. And sounds like you may have retired from that
23 agency.

24 A. I did.

25 Q. But while you were there, you were a detective in 2015 for

~~CARVELL - CROSS~~

1 the shooting squad in the Southwest District; correct?

2 A. That's correct, yes.

3 Q. And so that meant that you were not in uniform?

4 A. That's correct.

5 Q. And that when you got a call, basically it was from
6 someone, a police officer who usually would have been on the
7 scene before you; correct?

8 A. That's correct, yes.

9 Q. So your job was, essentially, consistent with your title,
10 you were a detective. You were there to detect; correct?

11 A. Correct, yes.

12 Q. And your job was to basically try and find out why
13 something happened or who had caused something to happen;
14 correct?

15 A. That's correct.

16 Q. Okay. Now, you have testified about a shooting that
17 occurred on May 30th, 2015; correct?

18 A. Yes, I did.

19 Q. And that occurred on North Forest Park Avenue; is that
20 right?

21 A. That's correct.

22 Q. Now, I'm going to show you what has been marked as
23 Defendant's Exhibit 3 for purposes of identification.

24 MR. HAZLEHURST: If I may approach, Your Honor.

25 THE COURT: Yes.

~~CARVELL - CROSS~~

1 **BY MR. HAZLEHURST:**

2 **Q.** (Handing.)

3 Sir, you wrote a report in regard to your investigation of
4 that particular incident, didn't you?

5 **A.** I did.

6 **Q.** Is that your report, sir?

7 **A.** Appears to be, yes.

8 **Q.** So you authored that document?

9 **A.** Yes.

10 **Q.** Now, you arrived shortly after the shooting had occurred
11 that day; correct?

12 **A.** Yes.

13 **Q.** Uniformed people were already there. There were police
14 cars -- marked police cars already in the vicinity?

15 **A.** Yes, there was.

16 **Q.** And so the photographs that you identified that Government
17 counsel asked you about, that's essentially the scene that you
18 encountered when you got there?

19 **A.** Yes.

20 **Q.** And so what you were trying to do, again, was to figure
21 out who was responsible for that car being shot; correct?

22 **A.** That's correct.

23 **Q.** And the best place to start in regard to finding out who
24 might be responsible was trying to talk to the people who were
25 actually in the car; right?

~~CARVELL - CROSS~~

1 A. Good place to start, yes, sir.

2 Q. And the two people who were in the car were D'Andre Gwynn
3 and Dana Johnson; correct?

4 A. Correct.

5 Q. And you actually went to the hospital to go talk to those
6 gentlemen; correct?

7 A. Yes, I did.

8 Q. And that's where you took those photographs of them in the
9 hospital?

10 A. I did not take the photographs.

11 Q. The photographs that you identified were taken by another
12 police officer, then; correct, sir?

13 A. Crime lab unit.

14 Q. Crime lab unit?

15 A. Yes, sir.

16 Q. Okay. But you actually did go to speak to them; correct?

17 A. I did, yes.

18 Q. Because it is important to get to them as quickly as
19 possible; right?

20 A. Yes.

21 Q. The quicker you get to potential witnesses, the quicker
22 you might be able to solve a crime; correct?

23 A. Or at least get a good feeling about what happened, yes.

24 Q. Okay. And Mr. Gwynn didn't want to have anything to do
25 with you, did he?

~~CARVELL - CROSS~~

A. That's correct.

Q. He refused to talk to you?

A. That's correct.

Q. And Mr. Johnson actually did talk to you, didn't he?

A. He didn't say much. Nothing that was directly about what happened here, no.

Q. Well, what he did tell you was that --

MS. PERRY: Objection.

BY MR. HAZLEHURST:

Q. -- he didn't see --

THE COURT: Wait a second. Wait a second.

Come up to the bench.

(Bench conference on the record:

THE COURT: I'm assuming hearsay objection?

MS. PERRY: Yes.

MR. HAZLEHURST: Your Honor, I'm not introducing it for the truth of the matter asserted but for merely what he said to the detective, which was: I was ducked down in the car, and so I didn't see what anybody said or who was shooting.

THE COURT: So if it's not for the truth, what's the point?

MR. HAZLEHURST: Simply what his explanation to the detective was for why he wasn't talking to him.

THE COURT: Why not just that he -- I'm not quite following.

~~CARVELL - CROSS~~

1 **MR. HAZLEHURST:** All right. I can leave it at that.

2 But, again, I'm not sure that basically -- again, I'm not
3 suggesting that when Mr. Johnson said that to the police
4 officer, that he was absolutely telling the truth. And I'm not
5 trying to put it in for the idea that he was ducked down in the
6 car. But, again, that was the explanation at least for why he
7 said, "I don't want to talk to you."

8 **THE COURT:** Okay. I guess I'm having a hard time
9 seeing the relevance.

10 **MR. HAZLEHURST:** I understand. I understand.

11 **THE COURT:** So why don't we just leave it at --

12 **MR. HAZLEHURST:** "Didn't want to talk to you."

13 **THE COURT:** Didn't -- that he didn't say much. I
14 think that was what the officer said. He didn't say much.

15 **MR. HAZLEHURST:** Thank you, Your Honor.)

16 (Bench conference concluded.)

17 **BY MR. HAZLEHURST:**

18 **Q.** So, Detective, Mr. Johnson didn't say much; correct?

19 **A.** No.

20 **Q.** But certainly did not tell you who he believed was
21 responsible for shooting the car; correct?

22 **A.** No, absolutely not.

23 **Q.** Now, there were other ways to potentially gather evidence;
24 correct?

25 **A.** Sure.

~~CARVELL - CROSS~~

1 Q. You have a shooting scene. It's in the afternoon, late
2 spring; correct?

3 A. Correct.

4 Q. Nice day out. Pictures show sunny day?

5 A. Correct.

6 Q. Right?

7 Not too far from the BP gas station up on the corner;
8 right?

9 A. Correct.

10 Q. So you went and you canvassed for witnesses, didn't you?

11 A. Yes.

12 Q. Okay. And you didn't find anybody, did you?

13 A. That's correct.

14 Q. Okay. You also went to see if there was any sort of
15 surveillance. Cameras -- again, you had a pole camera up
16 across from the gas station; correct?

17 A. I don't know when that camera was put up.

18 Q. Okay. But you went and checked to see if there was any
19 video in the area?

20 A. That would show that portion of the roadway, correct.

21 Q. Okay. Didn't find anything, did you?

22 A. No video.

23 Q. Okay. And you made strong efforts to do that. This is a
24 very serious incident. You went around and tried to find
25 somebody as best you could; right?

~~CARVELL - CROSS~~

1 **A.** That's correct.

2 **Q.** You went up to the gas station?

3 **A.** I did.

4 **Q.** Okay. You looked through the neighborhood, tried to talk
5 to people, say, "Anybody see this?"

6 **A.** There's really no houses there. There's one across the
7 street, which I believe at the time was abandoned. There was
8 no one living there. So there was no houses kind of there.

9 **Q.** But it's a fairly busy intersection right?

10 **A.** Very busy intersection; correct.

11 **Q.** Kernan Hospital is right there, isn't it?

12 **A.** It is.

13 **Q.** Okay. So there's a lot of at least vehicle traffic going
14 through that area?

15 **A.** There is.

16 **Q.** But there are also people who congregate up at that gas
17 station; right?

18 **A.** That's correct.

19 **Q.** Now, you've also talked about the fact that there was, as
20 the Government termed it, ballistic evidence; right?

21 **A.** That's correct.

22 **Q.** There were shell casings; right?

23 **A.** That's correct.

24 **Q.** Okay. And you've seen photographs of these shell casings
25 on the ground, and they were marked with placards and -- first

~~CARVELL - CROSS~~

1 with cones, but then crime lab came, marked them with numbers;
2 right?

3 A. That's correct, yes.

4 Q. And the crime lab was responsible for coming and
5 collecting those pieces of evidence; right?

6 A. That's correct.

7 Q. But you were responsible for requesting that there be
8 examination of those particular pieces of evidence; right?

9 A. Yes.

10 Q. And you submitted those shell casings for examination,
11 didn't you?

12 A. Crime lab would have done the submission. But, yes, they
13 would have been submitted. And I believe actually at that time
14 crime lab was actually doing the requests when they were
15 recovering the scene. But there would have been a request
16 done; that's correct, yes.

17 Q. Exactly. All right.

18 And they were examined; correct?

19 A. I -- maybe. I don't recall, to be honest with you.

20 Q. Well, you were the detective on the case; right?

21 A. It's been three years ago.

22 Q. Something that you would have followed up on, though;
23 right?

24 A. Yes.

25 Q. Right. And had those shell casings been matched to

~~CARVELL - CROSS~~

1 another weapon, you certainly would have tried to locate that
2 weapon and the potential owner of that weapon; right?

3 **A.** If I'd have been notified of that, absolutely, yes.

4 **Q.** And to your knowledge, there was no such notification;
5 right?

6 **A.** I did not receive one.

7 **Q.** And crime lab potentially would have also been responsible
8 for asking for fingerprint examination of those
9 cartridge casings?

10 **A.** Yes.

11 **Q.** DNA testing?

12 **A.** They would have put in the requests.

13 **Q.** But to your knowledge, no information about any positive
14 results from any of those types of examinations came to you;
15 correct?

16 **A.** That's correct.

17 **MR. HAZLEHURST:** No further questions, Your Honor.

18 **THE COURT:** Thank you.

19 Anyone else?

20 (No response.)

21 **THE COURT:** Any redirect?

22 **MS. PERRY:** No, Your Honor.

23 Thank you.

24 **THE COURT:** Okay. Thank you very much, sir.

25 **THE WITNESS:** Thank you, Your Honor.

1 **THE COURT:** You are excused.

2 **THE WITNESS:** Your exhibit is up here also, sir.

3 **MR. HAZLEHURST:** Thank you.

4 (Witness excused.)

5 **THE COURT:** May I see counsel at the bench on
6 scheduling.

7 (Bench conference on the record:

8 **THE COURT:** I assume this is a good time to stop for
9 today.

10 I was going to suggest -- are we getting to ballistics
11 tomorrow?

12 **MS. HOFFMAN:** Yes.

13 **THE COURT:** -- that perhaps I would tell the jury to
14 come back at 10:30, give everybody else 10:00, and then we can
15 talk about the ballistics.

16 **MS. HOFFMAN:** I think that makes sense.

17 I did want to ask, Your Honor: Would it be preferable
18 to have Mr. Wagster in the courtroom for the motion? I'm just
19 thinking, depending on what Your Honor is planning on ruling,
20 if there is some limitation, it may be better for him to be
21 there. Or would you prefer that he's not there?

22 **THE COURT:** I would prefer that he's physically here,
23 but not necessarily in the courtroom to begin with.

24 **MS. HOFFMAN:** Okay.

25 **THE COURT:** I'll hear argument first.

1 **MS. HOFFMAN:** Great. Thank you.

2 **THE COURT:** Yes. And I have another case to refer you
3 all to.

4 But anyway, I just wanted to get that up here at the
5 bench before I excuse the jury.

6 I have some other just scheduling issues. Maybe we
7 could all convene in my hallway office again afterwards.)

8 (Bench conference concluded.)

9 **THE COURT:** All right. Ladies and gentlemen, I was
10 just conferring with counsel, and it appears that there may be
11 an issue that would be helpful for me to talk about with them
12 tomorrow morning before we get started. So I'm going to ask
13 you all to come at 10:30 instead of at 10:00.

14 Otherwise, I expect we'll have a full day of testimony
15 tomorrow and Wednesday and Thursday.

16 But usual instructions: Leave your notes here. Don't
17 talk about the case. Keep an open mind. And we'll see you at
18 10:30 tomorrow morning.

19 Thank you very much. The jury is excused.

20 (Jury excused at 4:56 p.m.)

21 **THE COURT:** All right. The case in addition to what
22 you all have cited -- and obviously Judge Grimm's opinion in
23 the Medley case.

24 As a matter of interest, there is a Southern District
25 of New York case, United States versus Johnson, at 2019 WL1130

1 258. It's from the, again, Southern District of New York from
2 March 11th of 2019. Addresses ballistics issues as well and
3 discusses the Medley opinion.

4 So I am passing that along.

5 In regard -- in this case, just tell me if I've got
6 the -- there is, of course, a very recent letter from
7 Ms. Whalen from today, but I believe there's also -- the
8 document number is 1007, I think, was the motion to exclude.
9 And there's 1045, which is the Government's memorandum in
10 opposition. And I've looked at those.

11 Anything else in particular from the record that you
12 think I should have?

13 **MS. WHALEN:** No, Your Honor.

14 **MS. HOFFMAN:** I don't think anything from the record.
15 One thing that I did want to address potentially during the
16 argument or at least afterwards is that the defense has noticed
17 a potential ballistics expert of their own.

18 And so Ms. Whalen -- I can't remember the name of the
19 gentleman, but she did send us a letter explaining that she --
20 that the defense may call a ballistics expert to testify about
21 error rates and the subjective nature of ballistics
22 comparisons.

23 And so I think it may be wise to address that tomorrow
24 as well, depending on Your Honor's ruling.

25 **THE COURT:** Okay. Is that something that's a

1 communication that's in the record?

2 **MS. HOFFMAN:** It's not in the record, but we can send
3 it or Ms. Whalen, I'm sure, can send it to Your Honor.

4 **THE COURT:** Okay. Ms. Whalen, does it say anything --
5 essentially just what the Government represented or something
6 else?

7 **MS. WHALEN:** I'm a little confused. I apologize. I'm
8 not sure if the Government means that if there are limitations
9 or restrictions, they would also apply to the defense expert?

10 **MS. HOFFMAN:** Right.

11 **MS. WHALEN:** Okay.

12 **MS. HOFFMAN:** And I guess -- yeah. So, I mean, the
13 letter just says if we call an expert in to make ballistics
14 identification, he would testify as an expert in the field of
15 firearms and ammunition, testify about Mr. Wagster and
16 Mr. Lamont's conclusions, and testify regarding the limitations
17 and subjective nature of assessing tool marks, whether
18 tool marks are a match or consistent with each other. He may
19 also testify to the error rate attributable in this field of
20 identification as noted in the Daubert motion.

21 Right. So I guess -- I mean, it's hard to know
22 whether we will need to address it.

23 But depending on Your Honor's ruling, if there are
24 restrictions imposed on Mr. Wagster and Mr. Lamont, then, of
25 course, we would want the same restrictions to be applied or

1 some opportunity to, you know, rebut the evidence, the
2 testimony put forward by the defense expert about error rates
3 and that sort of thing.

4 **THE COURT:** Okay. Well, we can see how that -- right,
5 how that goes down the road.

6 If -- for example, if a defense expert were to testify
7 about error rates, you would want to be able to cross-examine
8 on error rates.

9 **MS. HOFFMAN:** Right. There are certainly competing
10 views about error rates.

11 **THE COURT:** Yes.

12 **MS. HOFFMAN:** And so I think, you know, if our expert
13 is limited in what he can testify to, then we need to have some
14 opportunity to rebut the testimony put forth by their expert.

15 **THE COURT:** Okay. And I have, I believe -- I've
16 forgotten where it was attached.

17 But I have Mr. Wagster and Mr. Lamont's -- do I have
18 their reports?

19 **MS. HOFFMAN:** You do.

20 They were attached as exhibits to the Government's
21 motion, and I can't remember which exhibit numbers they were,
22 but they were attached to 1045.

23 **THE COURT:** Yes. Okay. That's what I thought.

24 Okay. All right. The gallery is excused.

25 (Pause.)

(Court adjourned at 5:03 p.m.)

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

<p>BY MR. DAVIS: [5] 63/24 64/21 65/18 66/9 67/1 BY MR. ENZINNA: [9] 112/11 116/17 117/5 123/12 123/16 133/18 134/2 134/21 135/8 BY MR. HAZLEHURST: [6] 146/16 147/18 202/15 204/1 206/9 207/17 BY MS. HOFFMAN: [3] 74/20 75/20 141/20 BY MS. PERRY: [24] 11/23 13/19 16/3 26/14 27/12 67/13 81/21 87/2 109/1 112/1 140/24 151/3 152/17 161/25 162/14 174/2 179/15 184/16 191/12 191/24 192/8 195/13 197/3 198/5 BY MS. WHALEN: [10] 29/2 32/15 35/1 39/25 53/21 57/12 62/9 63/1 168/7 198/14 MR. DAVIS: [4] 63/17 65/8 65/15 67/4 MR. ENZINNA: [33] 3/5 68/23 69/14 69/20 69/22 71/1 71/3 71/5 71/7 71/11 73/19 73/25 74/4 109/16 109/20 109/25 110/9 110/15 111/3 115/22 116/3 116/12 116/15 117/2 122/24 123/5 123/10 133/12 133/16 133/24 140/4 140/7 140/16 MR. HAZLEHURST: [22] 10/22 11/6 51/2 63/19 63/22 67/6 146/14 147/16 150/8 179/12 197/1 198/1 202/13 203/24 206/16 206/22 207/1 207/10 207/12 207/15 211/17 212/3 MS. HOFFMAN: [23] 3/4 69/6 72/2 74/9 80/25 108/20 111/7 141/11 146/10 150/13 173/2 173/10 212/12 212/16 212/24 213/1 214/14 215/2 215/10 215/12 216/9 216/12 216/19 MS. PERRY: [61] 5/20 6/8 6/24 7/24 8/3 8/7 8/24 10/5 11/13 13/17 26/13 28/21 50/19 50/22 51/8 52/3 53/2 54/15 54/19 55/19 61/24 62/2 62/23 64/19 67/11 68/10 81/10 86/16 108/3 108/25 110/2 110/12 110/24 111/8 111/14 111/19 112/7 115/13 115/16 116/5 116/9 140/10 140/22 141/4 150/19 160/24 161/3 161/9 161/19 162/11 168/3 172/19 173/1 173/14 179/14 184/13 192/7 198/8 206/8 206/15 211/22 MS. WHALEN: [43] 3/8 3/13 4/9 4/12 9/2 9/18 28/24 32/14 34/19 34/23 34/25 39/24 51/15 51/22 52/17 52/25 53/12 53/17 53/20 54/21 55/5 55/8 55/18 55/24 56/7 56/15 56/19 56/21 57/1 57/8 57/10 62/5 63/10 81/4 152/15 161/22 168/5 172/14 198/12 202/9 214/13</p>	<p>215/7 215/11 THE CLERK: [27] 11/8 11/18 34/17 34/21 34/24 65/14 65/17 74/10 74/12 74/17 75/19 81/12 81/14 81/16 81/19 108/22 133/22 140/18 141/12 141/14 141/18 150/21 150/23 151/1 173/16 173/18 173/23 THE COURT: [177] 3/3 3/6 3/11 4/8 4/11 5/17 6/7 6/16 7/16 7/25 8/6 8/23 9/1 9/14 10/4 10/16 11/2 11/9 11/11 11/14 11/16 13/18 28/22 34/20 50/20 51/1 51/3 51/5 51/20 52/2 52/14 52/24 53/5 53/15 53/19 54/16 54/18 55/3 55/6 55/16 56/5 56/10 56/16 56/20 56/24 57/4 57/9 61/25 62/7 62/24 63/13 63/15 63/18 63/21 64/20 67/5 67/8 67/10 68/11 68/14 68/18 68/21 69/4 69/8 69/18 69/21 70/25 71/2 71/4 71/6 71/10 71/25 72/24 73/24 74/2 74/5 74/7 81/2 81/5 81/7 81/9 86/19 86/22 108/1 108/4 108/8 108/13 108/18 108/24 109/17 109/19 109/24 110/10 110/22 111/12 111/15 111/23 111/25 112/9 115/14 115/23 116/8 116/10 116/13 116/16 117/4 123/3 123/8 123/15 133/14 133/25 134/19 135/5 140/5 140/9 140/11 140/15 140/20 141/5 141/7 141/9 146/13 147/17 150/9 150/12 150/14 150/17 152/16 160/25 161/2 161/7 161/17 161/20 161/23 168/4 172/16 172/18 172/20 172/22 172/24 173/3 173/6 173/9 173/11 173/13 179/13 197/2 198/2 198/10 202/12 203/25 206/11 206/14 206/20 206/24 207/8 207/11 207/13 211/18 211/21 211/24 212/1 212/5 212/8 212/13 212/22 212/25 213/2 213/9 213/21 214/25 215/4 216/4 216/11 216/15 216/23 217/1 THE WITNESS: [19] 11/19 62/25 63/12 74/15 81/6 81/15 81/18 108/23 141/6 141/17 146/12 150/15 150/25 172/21 173/21 198/3 202/11 211/25 212/2</p> <p>\$</p> <p>\$120 [1] 159/11 \$6,000 [1] 168/1 \$7,746 [1] 164/4 \$92 [1] 186/5</p> <p>'</p> <p>'Cause [4] 54/1 58/22 115/3 200/12 'em [3] 13/3 24/11 143/11</p> <p>.</p> <p>.380 [4] 185/19 186/18 187/11 188/11</p>	<p>.380-caliber [3] 185/19 187/11 188/11 .380s [1] 186/23 .40 [6] 186/3 186/22 186/23 189/13 196/9 197/18 .40-caliber [3] 186/3 189/13 196/9 .40-calibers [1] 186/23 .45 [2] 145/3 145/11 .45-caliber [1] 145/11 .45s [1] 197/18</p> <p>/</p> <p>/s [1] 217/18</p> <p>0</p> <p>0267 [1] 1/4 0387 [6] 22/6 87/23 95/7 96/8 98/7 99/8 0:15 [1] 137/3</p> <p>1</p> <p>10 [7] 99/6 155/4 166/20 166/24 167/8 181/1 188/20 10-A [1] 166/20 100 [1] 159/11 100 percent [1] 125/4 10037 [1] 95/21 1007 [1] 214/8 101 [3] 1/24 96/16 135/20 101 West 22nd Street [3] 48/2 91/5 125/13 1045 [2] 214/9 216/22 10625 [1] 98/24 10:00 [3] 212/14 213/13 217/3 10:00 p.m [1] 185/12 10:05 [1] 94/17 10:06 a.m [1] 3/2 10:10 [1] 95/18 10:10 and [1] 95/16 10:13 [1] 95/16 10:13 it [1] 95/19 10:19 and [1] 95/20 10:20 [2] 101/10 101/12 10:20:18 [1] 101/13 10:21 a.m [1] 11/15 10:23 [1] 101/14 10:24 [1] 101/15 10:24 and [1] 94/19 10:26 [2] 101/17 101/19 10:27 [1] 101/19 10:27 through [1] 101/21 10:28 p.m [2] 101/11 101/21 10:30 [2] 104/19 212/14 10:30 instead [1] 213/13 10:30 tomorrow [1] 213/18 10:31 [1] 104/21 10:32 [2] 102/3 102/4 10:33 [1] 102/6 10:33 and [1] 102/7 10:34 [1] 102/7 10:40 and [1] 102/8 10:42 p.m [2] 93/15 94/19 10:45 [1] 102/8 10:45 p.m [1] 102/3 10th [2] 39/10 39/14 11 [7] 20/22 25/10 38/1 100/7 181/3 188/22 217/7 111 [1] 102/20</p>
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1	Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 219 of 258	2
<p>112 [1] 217/10 11:00 p.m [2] 25/10 138/24 11:04 p.m [2] 95/8 95/20 11:05 [1] 20/25 11:05 p.m [2] 20/25 24/10 11:06 [2] 102/13 102/15 11:06 to [1] 102/12 11:13 a.m [1] 22/15 11:17 [1] 102/16 11:20 a.m [4] 28/8 28/9 28/17 28/20 11:22 p.m [9] 21/3 21/10 24/11 24/13 24/16 99/9 99/13 99/14 100/4 11:23 and [1] 102/18 11:24 [1] 102/18 11:25 [1] 102/20 11:26 [2] 102/22 103/2 11:26 and [1] 103/1 11:26 p.m [1] 102/12 11:29 [1] 103/8 11:30 p.m [1] 25/10 11:32 and [1] 103/10 11:36 [1] 103/10 11:37 p.m [1] 22/14 11:37 to [1] 103/11 11:38 p.m [1] 104/22 11:39 a.m [1] 68/17 11:42 [1] 103/11 11:42 p.m [1] 103/1 11:55 [3] 105/3 105/3 106/17 11:55 activity [1] 107/4 11:55 and [1] 107/3 11:55 p.m [1] 105/2 11th [22] 18/6 20/25 22/14 24/10 24/12 25/8 25/9 36/15 39/14 39/18 39/20 41/3 96/10 98/8 99/9 102/3 102/12 103/1 104/12 105/2 130/9 214/2 12 [6] 21/12 21/12 23/7 38/14 181/5 188/25 12:00 [2] 136/23 136/23 12:00 a.m [1] 25/12 12:05 [1] 21/12 12:10 and [2] 103/19 103/21 12:10 p.m [1] 74/6 12:10 to [1] 107/7 12:15 [2] 105/14 107/4 12:15 a.m [1] 105/5 12:16 [1] 107/9 12:16 a.m [1] 18/22 12:16 and [2] 105/7 137/1 12:16 one [1] 137/3 12:17 [3] 105/7 107/9 137/1 12:20 [1] 103/21 12:20 a.m [1] 106/17 12:20 activity [1] 107/7 12:23 [2] 105/15 107/9 12:23 a.m [7] 19/7 105/2 105/9 105/20 105/21 106/4 107/23 12:23 and [1] 139/8 12:23 that [1] 138/12 12:26 a.m [1] 19/14 12:30 [1] 25/12 12:30 a.m [1] 112/3 12:30 and [1] 111/1</p>	<p>12:32 [1] 107/4 12:43 [4] 103/23 131/24 132/4 132/15 12:43 a.m [1] 103/20 12:43 activity [1] 107/10 12:43:18 a.m [1] 104/1 12:59 [1] 132/6 12th [24] 16/22 18/5 22/14 25/9 28/20 36/15 41/3 41/4 41/6 70/8 76/5 87/10 89/13 99/10 99/18 105/2 105/20 112/3 130/10 131/10 138/23 142/19 145/13 147/4 13 [6] 23/7 38/17 132/1 181/7 189/6 217/21 1303 [1] 143/12 1303 West Forest Park [1] 143/10 14 [6] 25/22 25/23 26/1 38/25 181/9 189/8 140 [1] 217/10 141 [1] 217/11 142 [3] 100/14 100/15 100/17 146 [1] 217/11 14T [1] 40/18 15 [10] 27/1 28/17 79/5 89/18 102/23 133/6 151/15 181/11 189/10 198/6 15 seconds [1] 184/11 15-T [1] 65/10 151 [1] 217/12 15:31 [1] 136/21 15th [1] 131/18 16 [5] 17/25 39/10 103/17 181/19 189/22 168 [1] 217/12 16873 [4] 96/17 97/6 97/11 97/17 17 [6] 39/13 104/8 182/1 184/2 184/17 189/25 174 [1] 217/13 18 [7] 3/19 24/11 39/20 104/24 149/21 183/4 190/2 19 [6] 22/12 105/17 144/20 183/8 190/4 217/7 1903 [3] 143/4 143/12 143/13 1903 Forest Park [1] 143/25 19674 [1] 95/12 198 [1] 217/13 19801 [1] 99/12 19807 [1] 99/12 19:43 hours [1] 162/8 19th [4] 26/9 40/20 41/4 41/7 1:00 a.m [5] 21/7 25/15 41/6 131/17 138/24 1:01 [1] 28/3 1:01 p.m [1] 108/7 1:07 p.m [1] 27/10 1:28 [1] 139/9 1:28 a.m [5] 105/23 106/4 106/8 107/24 138/15 1:30 a.m [1] 112/3 1:30 with [1] 111/1 1:50 [1] 131/19 1A [1] 1/9 1st [5] 33/14 33/20 34/2 40/15 184/9</p>	<p>2 Durum Court [1] 117/15 2 minutes [1] 26/10 2 o'clock [2] 108/9 108/15 2,000 meters [1] 113/19 2,000-meter [1] 113/17 2/12 [1] 21/12 2/12/15 [1] 28/17 20 [5] 106/12 107/22 130/12 183/13 190/6 20 yards [2] 46/1 46/9 2010 [1] 82/11 2012 [9] 29/13 83/6 83/10 130/10 142/12 142/20 145/13 146/23 147/4 2015 [53] 16/22 18/6 18/6 20/17 20/25 21/23 22/14 22/15 25/9 25/9 26/9 27/10 28/20 33/20 34/2 37/9 40/20 69/17 69/22 70/8 74/25 76/5 82/18 87/10 89/13 89/13 93/15 94/23 95/7 96/3 96/10 98/8 99/18 104/12 112/3 131/10 151/16 152/5 162/8 162/16 163/6 168/11 168/19 174/18 174/20 175/9 175/9 184/9 185/5 195/9 196/21 202/25 203/17 2016 [5] 83/10 83/13 115/8 115/10 116/25 2019 [4] 1/8 213/25 214/2 217/21 202 [1] 217/13 207-4928 [2] 17/23 26/4 20s [2] 170/3 170/6 20th [2] 162/8 168/11 21 [3] 106/25 183/15 190/8 21 grams [1] 158/24 21201 [1] 1/25 215 [2] 101/19 102/14 22 [3] 183/18 190/10 195/9 22nd [6] 27/10 43/24 48/7 48/8 101/5 185/5 22nd Street [2] 98/1 128/12 23 [6] 5/20 136/23 158/7 158/23 162/2 190/12 23106 [1] 95/14 232 [1] 195/5 238 [1] 162/21 23:02 [1] 136/21 23rd [4] 152/5 152/25 160/22 168/19 23T [1] 4/18 24 [4] 174/17 190/14 194/8 197/4 242 [1] 73/3 247 [3] 102/6 103/5 103/21 25 [1] 194/9 258 [1] 214/1 259-8098 [10] 14/18 87/21 100/9 101/10 102/2 102/13 102/25 103/19 106/16 131/4 26 [1] 153/12 2735 [1] 95/16 2739 [1] 95/17 27th [4] 115/10 116/25 121/15 121/17 28 [1] 132/1 28 seconds [1] 184/14</p>

<p>2</p> <p>280 [3] 100/14 100/16 100/18</p> <p>281 [1] 103/9</p> <p>29 [1] 217/7</p> <p>299 [2] 102/8 103/23</p> <p>2:12 p.m [1] 108/21</p> <p>2nd [2] 35/3 35/9</p>	<p>5</p> <p>5.56-caliber [2] 176/13</p> <p>176/16</p> <p>51 [1] 86/8</p> <p>52 [1] 182/21</p> <p>5200 block [2] 94/25 99/3</p> <p>5200 Windsor Mill [1] 101/23</p> <p>5200 Windsor Mill Road [6]</p> <p>48/19 91/8 94/13 95/15 95/25</p> <p>134/10</p> <p>52331 [1] 95/21</p> <p>54381 [1] 99/12</p> <p>551 [1] 97/20</p> <p>5512 [1] 97/8</p> <p>55512 [2] 97/4 97/20</p> <p>564-0387 [6] 22/6 87/23 95/7</p> <p>96/8 98/7 99/8</p> <p>5:00 [1] 175/24</p> <p>5:00 p.m [1] 175/24</p> <p>5:03 p.m [1] 217/4</p> <p>5G [1] 88/24</p> <p>5th [2] 36/18 37/3</p>	<p>6</p> <p>6:58-08 [1] 126/9</p> <p>6th [5] 37/5 37/9 37/22 38/2</p> <p>38/9</p> <p>7</p> <p>7 Hartley Circle [2] 162/21</p> <p>167/2</p> <p>7 minutes [1] 184/13</p> <p>7/22 [1] 195/9</p> <p>70 [1] 83/1</p> <p>71 [5] 27/15 27/16 27/18</p> <p>27/18 29/6</p> <p>73 [3] 102/16 102/22 103/2</p> <p>74 [1] 217/8</p> <p>741 [1] 104/19</p> <p>760-8656 [1] 17/16</p> <p>77 [1] 193/25</p> <p>783 [2] 94/20 105/24</p> <p>7:01 it [1] 100/16</p> <p>7:05 [2] 127/3 127/14</p> <p>7:05:03 [1] 126/4</p> <p>7:05:27 [1] 126/6</p> <p>7:10 [1] 97/10</p> <p>7:10 p.m [1] 96/11</p> <p>7:30 and [1] 98/10</p> <p>7:30 p.m [1] 98/8</p> <p>7:31 p.m [1] 98/9</p> <p>7:37 [1] 98/10</p> <p>7:45 [1] 99/19</p> <p>7:46 [1] 99/19</p> <p>7:50 p.m [1] 98/12</p> <p>7th [2] 20/17 38/11</p>
<p>3</p> <p>3 minutes [2] 191/22 193/5</p> <p>3/28/19 [1] 217/7</p> <p>30 [2] 170/3 191/22</p> <p>30 seconds [2] 26/11 193/6</p> <p>300 [3] 12/2 12/2 90/24</p> <p>300 block [1] 28/1</p> <p>300 Collins Avenue [3] 91/10</p> <p>104/5 138/25</p> <p>30th [4] 175/8 175/9 196/21</p> <p>203/17</p> <p>310 Collins Avenue [1] 42/24</p> <p>312 [3] 42/24 59/4 59/10</p> <p>312 Collins Avenue [4] 12/5</p> <p>13/2 75/3 75/24</p> <p>31st [2] 162/16 163/6</p> <p>33 [7] 15/24 101/17 101/21</p> <p>102/4 103/4 103/7 103/11</p> <p>34 [1] 143/14</p> <p>350 [1] 85/19</p> <p>36 [2] 75/6 162/12</p> <p>360 degrees [1] 98/21</p> <p>380 [2] 195/6 198/22</p> <p>381 [1] 198/22</p> <p>382 [1] 198/22</p> <p>3901 Princely Way [7] 91/2</p> <p>94/21 95/22 105/25 106/9</p> <p>106/11 135/24</p> <p>3:37 p.m [1] 173/5</p> <p>3G [1] 88/23</p> <p>3rd [1] 35/14</p>	<p>6</p> <p>6 minutes [1] 184/11</p> <p>60 grams [1] 167/25</p> <p>617 [3] 105/5 105/9 105/21</p> <p>6174 [3] 96/14 136/20 137/12</p> <p>63 [2] 184/3 217/7</p> <p>630 [1] 104/22</p> <p>635 [2] 96/23 127/6</p> <p>638 [4] 94/17 96/24 104/16</p> <p>104/21</p> <p>663 [2] 105/3 105/7</p> <p>663-2 [1] 136/25</p> <p>667 [2] 17/23 26/4</p> <p>67 [1] 217/7</p> <p>69 [1] 27/23</p> <p>69-A [1] 29/6</p> <p>695 [1] 95/18</p> <p>6:00 [1] 76/14</p> <p>6:17 [1] 100/15</p> <p>6:17 and [1] 100/13</p> <p>6:24 [1] 99/19</p> <p>6:24 a.m [2] 99/17 100/4</p> <p>6:24 and [1] 99/10</p> <p>6:30 [1] 96/14</p> <p>6:30 and [1] 96/11</p> <p>6:30 in [1] 76/14</p> <p>6:33 [1] 96/20</p> <p>6:33 p.m [1] 96/17</p> <p>6:36 [2] 96/21 96/25</p> <p>6:36:49 [1] 96/23</p> <p>6:37 [1] 96/25</p> <p>6:38 [1] 96/25</p> <p>6:38 and [1] 97/3</p> <p>6:38:26 [1] 97/1</p> <p>6:39 and [1] 97/3</p> <p>6:44 [2] 97/3 97/4</p> <p>6:45 [2] 97/6 97/7</p> <p>6:48 [2] 97/8 97/8</p> <p>6:49 [1] 97/8</p> <p>6:50 it [1] 97/8</p> <p>6:55 [3] 27/4 65/11 65/20</p> <p>6:56 [1] 127/5</p> <p>6:56 and [1] 127/3</p> <p>6:56:03 [1] 126/2</p> <p>6:58 tower [1] 127/10</p>	<p>8</p> <p>80 [1] 15/11</p> <p>8098 [18] 14/18 22/21 33/5</p> <p>34/2 38/15 87/21 100/9 101/10</p> <p>102/2 102/13 102/25 103/19</p> <p>106/16 106/22 107/3 107/18</p> <p>118/11 131/4</p> <p>81 [2] 162/3 217/9</p> <p>8128 [2] 98/9 123/18</p> <p>8132 [2] 132/16 132/22</p> <p>814 [1] 100/16</p> <p>83 [1] 127/12</p> <p>8656 [1] 17/16</p> <p>87 [1] 217/10</p> <p>891 [1] 94/11</p> <p>8:06 [2] 98/18 98/23</p> <p>8:09 [1] 98/24</p> <p>8:09:18 [1] 98/25</p> <p>8:10 and [1] 99/20</p> <p>8:11 [1] 99/20</p> <p>8:12 [1] 99/19</p> <p>8:12 a.m [1] 99/10</p> <p>8:12 p.m [1] 99/10</p> <p>8:31 [1] 100/18</p> <p>8:56 [1] 94/13</p> <p>8:56 and [1] 93/15</p> <p>8:56 p.m [1] 94/11</p> <p>8th [9] 21/23 38/14 38/18</p> <p>38/22 89/12 93/14 94/23 95/7</p> <p>96/3</p> <p>9</p> <p>9 o'clock [1] 94/14</p> <p>9-1-1 [10] 21/6 24/16 25/15</p> <p>25/17 43/1 77/16 77/19 77/20</p> <p>92/17 132/5</p>

<p>9 94 [1] 15/1 9576 [2] 36/13 36/19 98 percent [1] 125/4 9878 [1] 99/20 997 [1] 39/21 9975 [35] 16/15 17/5 31/6 31/21 33/19 34/2 36/19 36/23 38/3 38/9 38/15 38/19 38/22 39/1 39/4 39/8 39/15 40/8 40/9 60/14 87/22 93/16 94/10 104/10 105/1 105/19 106/15 106/22 107/3 107/23 110/13 111/1 112/5 114/21 117/13 9:03 p.m [1] 94/14 9:05 p.m [1] 94/15 9:09 p.m [1] 104/16 9:13 a.m [3] 105/20 106/2 107/3 9:21 p.m [2] 98/8 98/25 9:41 p.m [1] 100/13 9:42 [1] 95/12 9:42 and [1] 95/7 9:43 [1] 95/12 9:46 and [2] 99/9 99/13 9:47 p.m [1] 21/23 9:50 p.m [1] 95/14 9th [3] 38/25 39/3 39/7</p>	<p>152/8 154/23 155/9 155/22 158/24 159/9 161/4 165/18 167/17 167/25 168/1 168/10 168/15 170/17 172/11 175/22 176/19 179/11 183/24 185/11 187/23 191/8 191/13 191/20 191/22 191/25 192/4 194/22 200/21 203/16 204/17 205/23 206/5 209/19 211/13 212/15 213/11 213/17 214/20 215/15 216/2 216/7 216/10 above [3] 182/4 182/7 217/17 above-entitled [1] 217/17 absent [1] 53/9 absolutely [7] 7/24 73/24 93/4 141/3 207/4 207/22 211/3 academy [3] 82/11 152/2 197/10 access [1] 79/16 accompanied [1] 73/21 Accord [3] 165/24 165/25 176/3 according [2] 46/14 56/3 account [6] 10/11 16/1 16/11 27/15 27/23 89/2 accounted [1] 121/12 accounting [1] 82/5 accuracy [2] 70/12 73/22 accurate [6] 18/12 23/20 62/6 113/7 148/4 168/12 acknowledge [1] 159/24 across [4] 54/7 200/10 208/16 209/6 acting [1] 85/5 activation [6] 98/12 99/16 99/17 100/3 103/25 104/1 activations [2] 99/8 139/18 actively [1] 113/16 activities [1] 147/13 activity [18] 24/17 93/14 95/6 99/14 102/25 105/1 105/19 105/23 106/14 106/16 107/2 107/4 107/7 107/10 144/16 152/13 156/12 169/10 actual [8] 7/18 18/2 75/16 88/17 127/16 127/24 171/5 179/22 actually [53] 11/6 22/2 29/10 31/15 34/11 35/16 37/18 38/18 40/16 41/12 42/21 43/3 44/10 46/1 46/8 49/19 52/18 53/13 54/21 55/13 56/3 58/2 58/9 62/22 67/23 79/24 84/23 85/3 86/3 96/19 97/17 97/20 98/19 121/23 166/20 171/1 171/11 171/18 177/18 178/17 179/16 179/24 187/9 191/19 192/19 194/7 197/15 204/25 205/5 205/16 206/4 210/13 210/14 Adam [4] 54/9 54/23 55/14 56/2 Adam Gibbs [4] 54/9 54/23 55/14 56/2 add [3] 69/12 72/1 89/1 addition [4] 90/11 109/2 181/13 213/21 additional [38] 6/3 6/11 8/10 8/11 10/18 24/17 58/25 108/10 115/16 157/14 161/22 164/21</p>	<p>165/8 167/3 167/12 180/1 180/25 181/2 181/4 181/6 181/8 181/10 181/12 181/16 188/13 188/15 188/17 188/19 188/21 190/1 190/3 190/5 190/7 190/9 190/11 190/13 190/15 190/21 additionally [1] 167/20 address [14] 48/9 94/18 94/21 95/2 96/1 98/1 98/3 118/14 118/15 118/16 118/17 214/15 214/23 215/22 addressed [1] 73/11 addresses [3] 73/4 90/14 214/2 adds [1] 6/7 adjourn [1] 217/3 adjourned [1] 217/4 administration [1] 82/4 admissible [6] 52/8 52/12 53/9 53/10 54/20 56/10 admission [1] 7/10 admitted [2] 72/12 140/12 adult [1] 28/2 advance [1] 32/9 advanced [4] 83/13 83/23 83/24 86/2 affairs [1] 161/12 affect [6] 69/24 119/17 120/21 120/22 121/1 121/7 affected [1] 4/25 affects [2] 120/19 120/19 after [45] 21/10 23/1 23/5 23/8 25/17 29/21 41/1 64/8 66/2 67/19 68/24 76/12 76/15 77/17 77/20 80/4 80/15 80/19 82/11 84/6 99/14 122/17 131/14 131/17 136/23 136/23 137/3 152/2 154/20 154/22 155/24 156/20 157/13 158/1 158/2 159/13 160/1 165/21 168/15 172/25 175/24 185/12 191/16 199/20 204/10 afternoon [22] 74/21 81/22 81/23 108/11 112/12 112/13 141/21 141/22 146/17 146/18 151/4 151/5 168/8 168/9 172/25 174/3 174/4 198/15 198/16 202/16 202/17 208/1 afterwards [2] 213/7 214/16 again [81] 6/17 7/7 25/1 27/14 30/18 35/22 36/25 37/1 37/5 37/6 38/8 38/17 38/22 38/25 39/10 39/13 48/10 55/19 66/15 66/24 66/24 71/7 75/19 77/24 80/5 83/20 96/3 96/7 97/1 97/9 97/10 100/4 101/14 101/21 105/8 105/10 105/12 107/12 107/16 107/22 121/12 127/6 128/3 128/9 129/11 129/25 157/9 158/22 178/7 178/16 178/19 178/24 178/25 179/5 179/6 179/21 180/6 180/7 180/23 181/6 181/8 181/12 181/22 182/2 182/3 182/6 182/24 183/19 187/7 188/13 189/7 189/9 190/1 191/5 204/20 207/2 207/2 207/6 208/15 213/7 214/1</p>
<p>A a.m [40] 3/2 11/15 18/22 19/7 19/14 21/7 22/15 25/12 25/15 28/8 28/9 28/17 28/20 41/6 68/17 99/10 99/17 100/4 103/20 104/1 105/2 105/5 105/9 105/20 105/20 105/21 105/23 106/2 106/4 106/4 106/8 106/17 107/3 107/23 107/24 112/3 112/3 131/17 138/15 138/24 Aanonsen [1] 2/15 abandoned [1] 209/7 Abdul [2] 12/7 80/10 able [21] 3/25 13/8 19/24 21/8 32/4 75/12 78/16 89/10 89/15 100/24 114/10 143/19 157/1 176/19 179/10 179/16 190/16 190/21 193/8 205/22 216/7 about [129] 5/23 6/4 7/12 7/19 8/20 10/17 10/20 12/4 23/21 25/10 26/10 27/4 29/24 30/5 40/24 41/10 42/1 42/4 48/5 51/10 51/21 52/22 53/15 55/8 55/10 55/22 56/14 60/14 60/18 64/8 66/13 67/14 68/2 68/25 69/23 70/9 70/16 70/19 71/11 72/20 73/5 73/10 76/14 80/2 82/2 83/1 83/18 84/8 84/24 85/19 85/25 88/22 92/2 93/3 94/9 96/12 100/11 100/20 100/24 103/14 103/15 104/14 106/6 106/15 109/13 110/16 113/2 116/2 116/11 116/11 118/4 118/20 122/18 125/8 127/2 129/3 129/5 129/21 130/8 137/11 137/15 142/19 151/12 151/21 152/1 152/6</p>	<p>113/7 148/4 168/12 acknowledge [1] 159/24 across [4] 54/7 200/10 208/16 209/6 acting [1] 85/5 activation [6] 98/12 99/16 99/17 100/3 103/25 104/1 activations [2] 99/8 139/18 actively [1] 113/16 activities [1] 147/13 activity [18] 24/17 93/14 95/6 99/14 102/25 105/1 105/19 105/23 106/14 106/16 107/2 107/4 107/7 107/10 144/16 152/13 156/12 169/10 actual [8] 7/18 18/2 75/16 88/17 127/16 127/24 171/5 179/22 actually [53] 11/6 22/2 29/10 31/15 34/11 35/16 37/18 38/18 40/16 41/12 42/21 43/3 44/10 46/1 46/8 49/19 52/18 53/13 54/21 55/13 56/3 58/2 58/9 62/22 67/23 79/24 84/23 85/3 86/3 96/19 97/17 97/20 98/19 121/23 166/20 171/1 171/11 171/18 177/18 178/17 179/16 179/24 187/9 191/19 192/19 194/7 197/15 204/25 205/5 205/16 206/4 210/13 210/14 Adam [4] 54/9 54/23 55/14 56/2 Adam Gibbs [4] 54/9 54/23 55/14 56/2 add [3] 69/12 72/1 89/1 addition [4] 90/11 109/2 181/13 213/21 additional [38] 6/3 6/11 8/10 8/11 10/18 24/17 58/25 108/10 115/16 157/14 161/22 164/21</p>	<p>113/7 148/4 168/12 acknowledge [1] 159/24 across [4] 54/7 200/10 208/16 209/6 acting [1] 85/5 activation [6] 98/12 99/16 99/17 100/3 103/25 104/1 activations [2] 99/8 139/18 actively [1] 113/16 activities [1] 147/13 activity [18] 24/17 93/14 95/6 99/14 102/25 105/1 105/19 105/23 106/14 106/16 107/2 107/4 107/7 107/10 144/16 152/13 156/12 169/10 actual [8] 7/18 18/2 75/16 88/17 127/16 127/24 171/5 179/22 actually [53] 11/6 22/2 29/10 31/15 34/11 35/16 37/18 38/18 40/16 41/12 42/21 43/3 44/10 46/1 46/8 49/19 52/18 53/13 54/21 55/13 56/3 58/2 58/9 62/22 67/23 79/24 84/23 85/3 86/3 96/19 97/17 97/20 98/19 121/23 166/20 171/1 171/11 171/18 177/18 178/17 179/16 179/24 187/9 191/19 192/19 194/7 197/15 204/25 205/5 205/16 206/4 210/13 210/14 Adam [4] 54/9 54/23 55/14 56/2 Adam Gibbs [4] 54/9 54/23 55/14 56/2 add [3] 69/12 72/1 89/1 addition [4] 90/11 109/2 181/13 213/21 additional [38] 6/3 6/11 8/10 8/11 10/18 24/17 58/25 108/10 115/16 157/14 161/22 164/21</p>

A	Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 222 of 258	
<p>against [1] 10/15 age [2] 149/19 149/21 agency [6] 81/24 90/13 141/23 151/6 174/5 202/23 agent [31] 2/15 68/25 69/5 69/7 70/2 70/23 71/12 71/18 72/16 72/17 72/25 73/9 74/1 81/11 81/13 81/25 86/17 87/3 92/2 97/12 108/22 109/2 109/21 112/2 112/12 117/6 125/5 133/13 133/19 134/3 140/25 Agent Wilde [20] 68/25 70/2 70/23 71/12 71/18 72/16 72/17 74/1 87/3 92/2 97/12 109/2 109/21 112/2 112/12 117/6 125/5 133/19 134/3 140/25 agents [2] 83/1 197/18 Agnes [1] 194/7 ago [5] 64/6 89/18 193/6 201/4 210/21 agree [4] 10/16 124/17 124/18 201/22 ahead [8] 51/7 63/18 131/8 162/11 184/13 185/4 191/8 192/4 aid [2] 7/8 64/13 ain't [1] 195/25 al [1] 1/5 alert [3] 157/24 165/20 165/21 alerting [1] 158/3 Ali [2] 12/7 80/10 Ali Abdul-Hamid [2] 12/7 80/10 all [137] 3/6 4/13 4/23 5/17 6/21 10/3 10/16 11/11 13/25 25/12 30/20 31/9 31/21 32/22 33/9 33/10 33/18 33/22 34/1 34/14 34/23 35/2 35/8 40/1 40/3 40/10 40/16 41/8 42/3 42/8 42/15 43/14 44/25 46/16 47/3 47/6 47/10 47/23 48/1 49/9 50/4 50/8 51/21 54/8 56/5 56/17 58/11 58/18 58/20 59/18 60/7 60/9 60/21 62/21 63/11 63/13 67/5 68/11 68/14 68/18 69/8 74/5 74/7 77/22 81/5 85/15 90/18 91/17 91/19 91/25 93/13 94/1 100/1 100/8 104/8 108/4 108/8 108/15 108/18 110/11 113/22 113/25 115/19 118/19 119/16 121/3 122/23 123/2 123/15 125/5 126/15 129/1 129/3 130/8 130/13 130/25 131/13 131/17 132/12 132/25 133/10 134/3 137/23 139/19 139/21 140/11 140/17 141/9 146/13 157/7 157/22 161/21 166/10 167/1 171/21 172/15 173/3 173/9 177/7 190/20 194/13 194/21 199/8 199/13 199/23 200/8 202/9 207/1 210/17 213/3 213/7 213/9 213/13 213/21 213/22 216/24 217/1 alleged [3] 10/12 52/22</p>	<p>161/14 allegedly [1] 199/5 alley [1] 79/14 alleyway [1] 79/19 allow [1] 122/2 allowed [1] 10/19 allows [1] 88/16 almost [3] 82/8 83/10 122/16 along [4] 124/10 178/9 197/16 214/4 already [17] 9/3 10/9 16/20 84/5 85/7 86/20 92/15 92/18 110/10 121/10 157/22 175/20 176/23 176/25 184/1 204/13 204/14 already-certified [2] 84/5 85/7 also [54] 2/14 12/20 14/10 20/3 20/7 27/23 30/15 36/6 36/13 43/19 44/7 44/25 46/11 54/9 55/12 57/13 59/25 76/22 82/22 84/17 95/23 107/7 109/3 112/19 112/21 121/16 124/6 124/9 135/18 136/14 148/20 156/17 160/6 161/12 163/15 166/5 167/9 167/20 172/11 179/2 187/2 188/17 190/15 197/14 197/21 201/23 208/14 209/16 209/19 211/7 212/2 214/7 215/9 215/19 Altima [1] 165/14 Altoneyo [4] 153/11 153/16 157/11 162/6 Altoneyo Edges [4] 153/11 153/16 157/11 162/6 always [5] 50/2 79/18 119/14 119/15 141/1 am [1] 214/4 Amato [1] 2/4 AMERICA [1] 1/3 ammunition [1] 215/15 amount [1] 156/7 analysis [16] 58/11 82/25 85/22 86/24 90/3 93/2 112/4 113/22 113/24 114/1 114/1 118/20 130/8 139/4 139/7 159/4 analytics [1] 109/22 analyze [2] 85/10 88/9 analyzed [3] 59/23 117/10 130/14 analyzing [3] 83/16 86/17 140/25 Anderson [1] 2/3 angle [2] 78/24 187/21 angles [1] 190/18 ankle [3] 68/3 109/4 109/8 Anne [1] 86/11 Anne Arundel County [1] 86/11 announcing [1] 28/1 another [42] 5/12 7/25 8/17 11/2 16/10 21/16 27/1 31/7 36/1 38/11 46/9 68/15 74/8 81/9 111/21 126/14 129/14 135/5 141/10 148/20 148/20 150/17 152/3 155/18 156/18 164/21 170/18 172/7 173/13 178/24 179/5 180/6 180/23 182/2 182/4 183/6 185/8 189/9</p>	<p>201/13 205/11 211/1 213/2 answer [4] 31/19 57/4 72/22 114/10 answering [1] 142/24 antenna [1] 98/21 antennas [1] 88/15 any [78] 3/6 6/17 6/21 6/22 8/10 8/10 8/13 9/12 10/17 21/8 23/1 23/7 31/23 44/12 44/13 49/12 55/6 56/25 58/11 58/13 58/25 59/18 60/1 60/17 61/10 63/15 64/8 66/3 66/18 66/20 66/21 67/10 67/19 70/11 72/22 73/9 78/3 81/1 81/2 86/19 92/22 106/3 108/10 108/13 109/25 111/17 115/17 122/12 122/18 122/19 130/2 138/25 140/9 140/13 140/21 145/17 146/7 149/1 149/2 149/23 150/12 151/23 156/16 160/1 164/3 169/10 172/18 176/11 176/23 183/24 192/22 198/10 198/17 208/14 208/18 211/13 211/14 211/21 anybody [16] 58/18 60/17 67/8 81/2 108/10 140/6 149/1 150/10 172/16 200/23 200/24 200/25 201/23 206/19 208/12 209/5 anyone [9] 56/21 63/13 77/16 156/1 156/4 182/9 182/11 193/14 211/19 anyone's [1] 61/6 anything [37] 9/22 10/2 10/8 49/10 49/12 49/16 50/12 53/23 60/1 65/1 69/12 71/15 71/25 78/3 78/8 93/2 100/20 130/4 136/13 140/2 145/2 153/3 158/4 163/18 163/20 165/23 170/8 171/4 176/7 190/18 190/19 202/3 205/24 208/21 214/11 214/14 215/4 anything's [1] 45/16 anytime [2] 31/3 31/6 anyway [1] 213/4 anywhere [1] 129/2 AP [2] 158/9 159/1 apart [1] 126/17 apartment [12] 89/3 120/12 127/10 130/4 143/17 147/9 148/21 153/2 153/6 153/25 156/15 162/21 Apartment 238 [1] 162/21 apartments [2] 144/8 144/12 apologies [1] 22/2 apologize [6] 32/9 122/24 130/13 130/24 140/16 215/7 apparently [2] 10/24 193/22 appear [4] 28/4 35/3 147/24 160/21 appeared [7] 159/9 179/9 179/17 192/1 199/15 199/25 201/17 appears [8] 22/20 32/17 118/7 188/23 189/7 193/10 204/7 213/10 applied [1] 215/25 apply [1] 215/9 approach [10] 13/17 109/16</p>

A			B		
Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 223 of 258					
approach... [8] 115/14 116/15	129/1 129/2 129/13 134/3	56/1 80/6 121/6 121/7 127/2			
145/6 147/16 157/3 160/24	134/4 136/10 142/24 142/25	211/8			
176/5 203/24	142/25 143/8 144/2 144/4	asserted [1] 206/17			
approached [4] 6/22 143/9	144/5 152/19 152/24 154/24	assessing [1] 215/17			
144/7 157/7	163/16 174/25 175/6 176/11	assigned [8] 82/12 82/18			
appropriate [3] 7/6 7/15	177/1 177/4 183/12 187/11	151/18 151/19 174/12 174/23			
111/5	189/14 190/16 190/21 190/24	175/11 185/8			
appropriately [2] 6/2 88/11	192/2 193/21 194/4 200/12	assist [1] 162/17			
approximate [8] 70/11 70/13	208/19 209/14	assistance [3] 87/5 87/9			
71/8 71/9 73/14 93/5 113/20	areas [1] 73/10	157/14			
168/1	aren't [2] 64/12 131/9	Assistant [2] 1/16 29/23			
approximately [12] 83/15	arguing [1] 77/7	associated [15] 3/23 3/24 4/4			
85/17 156/6 158/24 159/11	argument [2] 212/25 214/16	17/22 31/22 33/2 36/7 36/8			
159/12 162/12 163/5 168/14	around [28] 21/7 41/19 42/16	36/14 39/4 39/22 40/3 40/8			
168/14 170/1 174/16	44/23 45/19 84/22 89/12 92/7	130/17 131/5			
April [8] 1/8 115/10 116/25	94/25 98/1 101/5 101/22	association [1] 49/13			
151/16 152/5 152/25 160/22	103/15 104/15 120/13 120/15	assume [5] 9/15 46/24 68/14			
168/19	120/16 125/18 128/25 135/6	116/1 212/8			
April 23rd [4] 152/5 152/25	138/12 163/7 176/7 184/10	assumed [3] 30/1 30/2 200/14			
160/22 168/19	185/17 185/23 187/8 208/24	assuming [2] 172/24 206/14			
April 27th [2] 115/10 116/25	arrest [5] 5/23 29/16 146/5	assumption [8] 46/5 46/8			
AR [1] 198/6	146/7 159/14	58/22 113/24 118/19 118/20			
AR-15 [1] 198/6	arrested [2] 6/1 161/10	118/22 118/24			
are [155] 3/8 6/9 6/25 8/11	arrests [2] 144/2 151/23	assumptions [2] 113/23 113/23			
8/21 10/15 10/18 11/1 14/7	arrived [7] 154/25 176/1	ATF [3] 2/15 87/5 118/3			
20/4 20/23 21/1 21/4 21/8	176/24 177/2 185/15 185/16	ATM [1] 83/12			
21/18 23/1 25/3 26/23 28/12	204/10	attached [3] 216/16 216/20			
29/6 31/10 34/14 34/14 34/17	arrow [1] 71/22	216/22			
35/22 36/3 38/15 39/10 39/17	arrows [1] 125/6	attempt [5] 58/12 58/13 60/1			
42/11 46/21 48/7 49/4 49/5	Arundel [1] 86/11	183/21 194/14			
49/5 49/7 51/20 55/12 55/13	as [122] 5/12 7/4 7/7 7/8	attempted [3] 59/13 59/20			
56/24 60/24 62/3 64/13 66/3	7/14 12/6 12/20 13/14 13/15	59/20			
68/7 69/5 69/14 70/1 73/11	13/15 15/25 16/20 17/20 18/12	attempting [1] 115/19			
74/23 78/7 78/7 78/16 79/8	19/16 21/16 24/1 24/2 25/4	attempts [1] 31/9			
84/4 84/14 84/18 87/20 88/9	25/5 25/22 26/6 32/12 33/9	attended [1] 80/14			
88/10 88/23 91/20 93/17 94/24	34/14 34/17 42/8 42/8 45/8	attention [11] 4/24 12/10			
96/7 96/9 97/24 99/2 99/5	49/10 52/1 52/1 52/6 52/10	20/10 24/20 76/4 117/6 152/5			
99/8 99/22 104/11 105/11	52/12 53/9 54/10 54/22 55/12	162/15 175/8 178/22 185/4			
106/18 106/21 108/18 110/19	55/14 56/24 64/13 67/22 67/22	attorney [2] 85/4 85/6			
110/25 111/12 111/13 111/14	67/22 72/9 72/12 72/12 72/14	attorneys [3] 1/16 29/23 85/5			
111/19 112/14 112/25 113/7	73/8 73/23 73/23 78/4 78/12	attributable [1] 215/19			
113/16 114/2 114/18 115/17	85/5 85/9 86/4 86/9 86/15	attributed [1] 136/16			
119/6 120/2 120/3 120/3 120/4	86/17 87/3 87/16 87/24 88/18	Audio [9] 26/12 27/11 66/8			
121/23 125/6 125/17 126/17	91/9 92/8 95/10 95/10 98/22	66/25 162/10 162/13 184/12			
128/16 130/3 132/1 132/3	109/21 109/23 110/15 115/20	184/15 195/12			
138/22 139/21 140/2 141/23	117/2 121/18 123/13 130/20	AUSAs [1] 29/11			
145/16 146/20 150/14 164/13	133/25 140/8 142/12 144/7	authored [1] 204/8			
164/16 164/24 166/10 166/13	144/17 146/20 147/19 149/7	authorities [1] 29/23			
166/15 169/2 171/5 171/11	152/22 154/5 155/17 158/15	automatic [3] 145/3 197/16			
172/22 174/5 174/11 177/15	159/5 160/15 161/20 162/2	198/3			
178/15 178/18 178/22 179/4	165/12 166/7 166/18 166/20	autopsy [1] 10/8			
180/5 180/8 180/16 180/22	167/16 167/24 167/24 171/2	available [1] 11/11			
181/5 181/7 181/20 182/1	178/17 179/2 179/8 184/2	Avenue [26] 12/3 12/5 13/2			
183/5 187/5 187/20 188/3	188/21 191/6 193/8 195/4	28/2 42/1 42/24 46/16 47/11			
188/6 188/7 188/25 189/6	197/19 202/1 203/22 205/18	49/4 50/14 61/22 62/4 62/6			
189/10 189/12 191/19 194/10	205/18 208/25 209/19 213/24	62/12 62/13 75/3 75/24 90/24			
197/4 202/19 209/16 212/1	214/2 214/24 215/14 215/20	91/10 104/5 134/14 135/9			
212/10 215/8 215/18 215/23	216/20	137/24 138/25 143/4 203/19			
216/9	aside [2] 112/21 146/7	Avery [1] 40/21			
area [69] 45/13 45/23 46/13	ask [21] 29/12 31/16 56/8	Avery Douglas [1] 40/21			
46/16 47/20 48/16 49/4 49/5	56/10 57/1 110/3 110/18	aware [1] 49/4			
49/13 50/11 50/13 50/15 58/9	110/24 110/25 111/19 111/22	away [5] 11/3 80/19 121/17			
59/16 61/11 71/16 72/19 73/14	116/2 116/11 119/19 138/22	140/17 180/21			
83/16 90/19 92/1 93/25 94/5	160/1 168/10 184/21 192/21	awoken [1] 76/17			
95/24 98/1 99/22 101/23	212/17 213/12	azimuth [1] 123/22			
103/14 103/14 103/15 103/16	asked [11] 57/2 64/8 66/14				
124/1 128/10 128/12 128/13	67/14 68/2 73/11 109/3 132/25				
	143/3 201/2 204/17				
	asking [9] 40/12 54/21 55/24				

B			Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 224 of 258		
back... [94]	11/7 11/12 11/16	12/6 12/10 12/23 14/19 20/10	21/15 22/9 24/11 26/5 29/5	37/1 37/22 40/15 41/22 45/6	48/1 54/16 59/6 60/15 66/15
74/7 79/15 79/17 79/19 80/14	82/17 84/9 86/2 93/10 98/2	100/17 100/18 100/18 100/21	100/22 100/25 101/2 101/2	101/2 101/2 102/22 103/6	103/7 104/11 104/11 104/21
105/6 113/25 120/16 120/16	126/21 126/22 127/6 127/14	128/7 129/11 133/10 146/23	147/21 151/16 155/20 155/21	157/11 157/12 158/6 158/11	163/14 163/21 166/11 171/21
174/18 174/20 175/19 175/22	178/19 179/6 179/22 179/24	179/25 181/15 182/3 182/13	182/18 183/10 183/12 183/12	184/17 191/19 193/5 196/20	212/14
background [1]	82/3	backseat [4]	158/5 168/17	170/15 170/21	backyard [1]
bag [3]	158/7 164/21 171/13	baggie [4]	159/12 159/12	171/18 172/12	baggies [3]
158/7 158/23	167/21	bags [6]	163/22 165/2 165/4	166/1 166/16 167/10	BAILEY [75]
1/5 1/17 3/20	3/21 3/24 4/1 4/2 4/22 5/8	5/24 6/8 6/13 8/9 8/17 8/25	9/7 10/11 10/13 10/15 14/25	15/21 16/7 16/8 20/20 21/5	23/24 24/9 25/3 25/11 25/13
27/19 31/22 33/11 35/24 36/14	37/12 37/24 51/18 60/15 60/19	61/2 61/15 62/11 68/8 70/6	109/5 114/22 114/24 117/25	136/1 136/16 138/12 139/3	139/4 154/16 154/19 157/10
157/10 159/19 159/24 160/20	161/9 161/12 168/16 169/22	171/22 192/10 192/12 192/14	192/16 192/23 193/4 193/9	199/14 201/8	Bailey's [21]
8/16 15/25	16/11 16/19 17/9 19/16 19/20	20/4 21/9 23/8 23/25 24/1	25/4 25/18 27/14 39/11 60/22	67/15 68/3 138/24 139/22	ballistic [3]
44/12 186/19	209/20	ballistics [17]	12/18 44/7	44/13 176/11 186/8 196/8	196/17 196/23 196/25 197/22
212/10 212/15 214/2 214/17	214/20 214/21 215/13	Baltimore [50]	1/9 1/25 8/20	27/25 74/24 74/25 80/19 80/22	81/25 82/12 82/20 82/20 86/9
86/10 86/10 87/4 90/19 90/25	91/6 91/8 102/5 113/17 127/17	130/1 133/21 133/21 141/24	141/25 142/5 142/8 142/9	142/12 143/2 146/20 146/23	151/7 151/11 151/13 151/22
159/18 174/16 174/21 177/3	187/2 188/1 197/4 197/17	200/5 200/6 202/20	Baltimore City [13]	82/20	86/10 133/21 142/8 142/9
142/12 143/2 146/23 177/3	187/2 188/1 197/17 202/20	Baltimore City Police [1]	174/16	Baltimore County [13]	86/10
133/21 141/24 141/25 142/5	146/20 151/7 151/11 151/13	151/22 159/18 200/5 200/6	Baltimore Police [4]	8/20	27/25 174/21 197/4
bandage [1]	183/11	Bangout [6]	25/3 40/24 52/5	64/17 64/24 65/1	bank [2]
82/21 83/11	Banks [3]	2/1 22/8 22/11	Banks' [1]	23/11	barbershop [6]
189/14 189/18	189/21 196/4 196/6 196/7	base [3]	90/23 91/1 91/4	based [27]	8/14 19/24 22/9
46/5 50/23 56/5 56/20 56/21	57/5 58/16 83/3 86/22 110/23	119/6 139/7 156/9 156/14	156/15 158/2 159/8 167/16	167/21 176/18 179/9 197/24	199/24 200/15
basement [2]	78/15 79/11	basic [7]	83/6 83/7 83/8 83/8	83/20 83/22 85/24	basically [8]
3/13 71/18	102/15 148/15 196/14 203/5	203/12 207/2	basis [2]	89/6 179/13	be [151]
3/23 3/25 4/14 4/19	4/25 5/13 5/15 5/18 5/18 6/2	7/3 7/17 7/17 7/21 10/19	11/17 16/18 17/8 22/20 23/23	25/1 25/23 27/2 28/4 31/10	32/18 35/3 37/1 40/19 41/7
41/25 44/12 44/13 44/16 44/18	44/25 46/10 46/10 46/19 50/8	50/9 50/10 50/11 50/13 52/11	52/15 52/21 53/2 57/4 57/5	65/17 68/15 68/21 68/25 71/21	72/6 72/8 72/17 72/20 73/11
73/14 73/21 73/25 74/2 74/12	75/12 77/3 77/25 78/10 81/14	85/15 89/7 92/5 92/14 92/19	93/2 94/4 105/14 106/3 110/18	110/20 111/6 111/16 112/4	112/6 112/20 112/23 113/18
114/5 114/10 115/21 118/8	119/12 120/10 121/4 122/17	122/20 123/3 124/7 124/9	124/14 124/15 124/19 138/5	141/14 143/17 143/19 147/24	153/22 160/21 161/5 161/14
166/3 167/11 169/13 172/24	173/18 177/12 177/22 177/22	177/23 177/24 179/17 182/6	188/1 188/23 189/7 189/11	189/12 189/19 191/18 192/1	193/10 198/6 198/7 199/15
199/25 200/23 204/7 204/24	205/22 210/7 210/19 212/17	212/20 212/20 213/10 213/11	214/23 215/25 216/7	bear [3]	33/9 36/25 65/12
because [35]	4/23 32/10 41/23	42/4 44/16 44/18 49/13 51/25	56/19 70/3 70/14 73/14 77/24	79/16 79/18 80/4 80/13 80/22	85/14 89/16 98/19 113/1
113/15 117/20 118/22 121/21	122/16 122/22 128/10 135/3	139/14 139/17 168/19 186/23	205/18	become [5]	15/6 83/5 175/5
192/10 192/17	bed [4]	76/16 164/6 164/7	183/7	bedroom [5]	77/14 163/14
163/15 163/21 166/11	beef [1]	51/24	been [64]	4/7 5/8 6/22 9/3	9/19 10/9 13/14 20/3 20/8
23/21 24/18 42/14 43/15 46/21	46/23 52/22 80/12 80/13 82/1	82/10 86/4 86/20 87/15 89/16	109/13 113/15 125/16 130/20	131/20 141/25 147/19 151/10	151/13 152/21 155/15 158/6
158/15 166/18 174/8 175/20	176/23 176/25 179/1 179/2	179/22 182/9 182/11 185/16	187/8 193/14 193/17 194/23	197/7 197/14 197/21 201/4	203/6 203/22 210/13 210/15
210/21 210/25 211/3 211/7	before [29]	1/11 3/6 18/24	22/23 28/9 32/18 63/20 68/22	69/7 77/9 77/23 99/25 109/3	116/7 133/7 144/2 159/21
162/4 168/11 169/3 174/15	191/16 191/18 191/19 195/7	201/8 203/7 213/5 213/12	began [4]	12/15 12/16 153/4	159/21
begin [3]	65/10 153/5 212/23	beginning [4]	49/17 53/23	162/9 181/24	begins [1]
65/11	behalf [1]	67/6	behind [7]	79/20 154/8 157/11	170/21 170/22 170/23 178/17
being [34]	5/12 8/15 38/22	41/4 45/18 46/1 46/5 53/6	64/8 76/17 88/10 88/10 90/1	93/20 94/25 95/24 97/25 101/5	101/22 103/13 106/9 109/4
119/12 125/8 128/19 129/5	142/4 164/5 186/24 187/21	196/18 196/19 198/6 204/21	belief [1]	10/5	believe [85]
4/20 5/3 5/18	6/1 6/10 6/13 8/9 8/14 8/20	8/24 9/20 10/6 10/14 12/1	12/4 26/22 31/12 31/22 33/6		

<p>B</p> <p>believe... [66] 35/23 41/2 43/24 53/2 58/2 58/7 58/14 62/2 68/24 70/10 72/5 73/7 97/14 99/6 101/1 106/11 106/22 111/20 115/17 115/23 115/24 116/6 121/8 121/9 122/17 126/22 128/4 128/9 128/18 128/20 128/25 131/21 136/9 143/12 143/22 144/17 146/14 156/10 156/13 161/15 165/25 167/25 176/9 176/12 176/14 176/20 178/10 180/20 182/4 185/22 185/25 186/5 186/7 186/10 188/8 188/10 189/18 194/3 198/22 199/20 199/22 200/4 209/7 210/13 214/7 216/15 believed [4] 32/6 58/16 156/11 207/20 bell [1] 54/11 belong [1] 22/7 belonged [8] 7/13 14/2 80/7 80/8 114/22 114/23 114/24 165/13 belonging [4] 7/5 12/6 24/18 70/6 belongs [4] 22/10 96/19 97/17 97/21 Belote [5] 54/14 55/17 55/18 55/20 57/5 Beltway [1] 100/2 bench [23] 50/20 50/21 53/18 54/16 54/17 57/11 61/25 62/1 62/8 109/18 111/24 115/14 115/15 116/14 161/1 161/24 206/12 206/13 207/16 212/5 212/7 213/5 213/8 beside [1] 186/1 besides [1] 57/14 best [6] 42/7 73/15 140/16 171/10 204/23 208/25 better [13] 4/10 32/23 33/23 35/5 47/4 47/7 92/3 121/21 127/8 127/11 127/14 202/4 212/20 between [106] 3/20 4/13 4/21 7/18 10/13 20/4 21/4 21/5 21/9 24/9 24/13 24/16 24/17 25/3 25/4 25/11 25/13 25/14 30/9 30/25 31/24 34/2 35/8 35/13 35/19 36/7 36/19 36/22 37/23 38/3 38/9 38/15 38/18 38/19 38/22 39/1 39/4 39/7 39/14 39/20 40/2 40/8 43/2 49/1 57/14 67/15 73/10 79/11 89/23 91/15 93/15 95/7 95/20 96/10 98/9 98/25 99/8 99/9 99/10 99/13 100/13 100/18 100/19 101/10 102/3 102/8 102/14 102/18 103/1 103/10 103/19 103/21 104/17 105/1 105/11 105/19 106/4 106/6 106/17 107/3 107/23 111/1 112/3 115/18 115/25 119/12 127/3 129/5 129/10 129/22 129/23 137/5 137/8 138/23 139/12 139/15 139/16 139/17</p>	<p>158/6 161/9 170/14 170/23 187/15 187/17 189/5 201/25 BGF [4] 49/6 49/7 49/10 56/3 big [11] 17/2 17/4 18/20 19/5 127/6 127/22 129/25 195/21 196/12 196/15 199/9 Big Bruh [4] 17/2 17/4 18/20 19/5 bill [2] 88/6 89/18 billing [2] 88/3 89/23 binder [1] 184/3 binders [2] 25/24 27/2 bit [8] 3/12 6/16 83/18 104/12 127/17 148/23 175/22 183/11 black [17] 6/4 33/6 34/1 37/2 38/8 54/10 54/23 55/11 55/11 55/13 55/14 56/2 58/8 58/11 106/22 155/11 161/18 Black Blood [2] 6/4 161/18 BLAKE [1] 1/11 blatant [2] 50/23 51/8 block [6] 12/2 12/2 28/1 94/25 99/3 121/10 blocked [1] 120/10 blocks [1] 121/17 blood [12] 6/4 12/14 12/19 12/20 44/5 46/5 58/16 58/22 161/18 183/11 185/25 188/4 bloody [1] 176/9 blown [2] 175/20 180/21 blue [15] 30/15 48/10 48/11 61/12 71/14 91/4 91/5 91/7 91/25 124/1 125/12 134/9 135/20 195/20 199/14 body [5] 12/22 58/9 58/17 78/14 78/22 Boost [1] 117/14 border [1] 82/16 both [11] 6/1 6/4 10/13 73/1 73/11 100/24 107/13 163/25 167/18 167/19 183/24 bottom [27] 16/12 33/5 39/17 90/24 94/12 95/11 98/10 99/11 99/11 100/15 102/9 103/7 103/12 103/24 104/1 104/20 107/11 107/16 117/24 131/13 160/18 177/22 177/25 178/1 178/2 178/3 178/21 bottommost [1] 95/13 bottoms [1] 193/12 bounce [4] 100/22 120/17 120/18 125/21 bounces [1] 100/18 bouncing [5] 100/20 100/25 128/20 129/23 137/5 bowl [3] 127/17 127/24 128/11 box [24] 4/21 4/24 5/5 5/9 5/10 5/24 6/9 6/12 6/18 10/23 10/24 48/10 48/11 48/18 96/18 97/16 97/19 97/20 97/20 105/14 153/19 168/22 168/24 169/7 boxes [4] 24/7 93/17 97/15 125/8 BP [9] 48/21 49/1 134/12 175/12 177/8 185/9 187/6 189/15 208/7 BPD [1] 174/18</p>	<p>bracelet [1] 169/4 break [5] 11/4 68/15 69/7 108/3 109/3 breaking [1] 108/1 Brian [1] 2/2 Brian Sardelli [1] 2/2 brief [1] 196/20 briefly [5] 63/17 67/11 151/25 160/24 197/9 briefs [1] 72/3 bring [6] 6/21 108/18 110/5 116/2 116/4 166/20 bringing [1] 10/15 brings [1] 5/5 broke [2] 10/25 11/6 brother [3] 80/11 80/12 80/16 brought [2] 74/1 110/6 brown [8] 143/8 143/23 145/5 146/1 158/8 166/1 166/16 167/10 Bruh [14] 17/2 17/4 17/11 17/20 17/22 18/20 19/5 19/12 25/13 26/6 32/22 38/6 39/22 40/8 Bruh Mal [1] 19/12 Bruh Mall [1] 17/11 Bruh Nizz [8] 17/20 17/22 25/13 26/6 32/22 38/6 39/22 40/8 building [24] 75/4 120/11 120/12 120/14 121/15 121/16 121/18 121/18 121/19 127/10 144/6 144/7 147/9 147/9 147/11 148/8 148/9 148/21 154/1 155/3 155/14 155/14 189/4 189/16 buildings [3] 89/3 120/12 130/4 bullet [19] 44/15 44/19 45/1 45/7 45/24 59/25 60/1 60/3 175/19 178/10 179/11 179/17 179/21 181/23 185/23 188/23 188/23 189/7 189/9 bullet fragments [1] 185/23 bullet holes [5] 175/19 179/11 179/17 179/21 181/23 bullets [6] 44/21 44/23 182/18 183/12 185/24 186/12 bunch [1] 125/17 burial [2] 9/19 76/13 buried [1] 76/10 business [3] 6/15 82/4 156/17 busy [2] 209/9 209/10</p> <p>C</p> <p>C-A-R-V-E-L-L [1] 173/22 calculation [1] 92/12 caliber [15] 145/11 176/13 176/16 185/19 186/3 186/17 186/21 186/22 187/11 188/11 189/13 196/9 197/17 197/18 197/19 calibers [1] 186/23 call [151] 4/18 4/22 5/3 5/17 5/20 6/2 6/6 6/8 6/8 6/12 13/11 13/25 18/2 18/5 18/17 18/17 18/18 18/21 18/24 19/1 19/2 19/3 19/6 19/8 19/9 19/10 19/15 19/19 19/21 19/24</p>
---	---	--

C			Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 226 of 258		
call... [121] 21/6 23/2 23/5	82/9 83/18 84/21 84/22 84/22	173/21 173/22 217/13			
24/16 25/15 25/17 25/23 25/24	90/11 90/11 90/16 91/13 91/22	case [30] 174 8/16 9/25 29/24			
26/8 26/10 26/15 27/1 27/4	92/10 93/12 93/17 94/9 95/5	42/13 42/14 42/20 51/16 71/21			
27/5 27/9 30/21 30/24 30/25	95/9 96/12 98/5 99/6 100/7	73/3 73/3 85/1 85/4 90/9			
31/9 31/10 31/15 31/18 33/19	100/11 100/20 101/8 101/25	90/15 91/18 110/6 113/5			
34/15 35/9 35/19 36/1 36/12	102/10 102/23 103/17 104/8	116/24 122/16 127/16 169/3			
38/8 38/11 40/7 40/17 43/1	104/14 104/14 104/24 105/17	195/18 210/20 213/2 213/17			
43/19 43/22 44/15 51/13 55/20	106/12 106/25 107/20 108/3	213/21 213/23 213/25 214/5			
57/20 57/23 58/4 58/5 67/21	111/19 111/22 112/16 112/21	Case No. 17-242 [1] 73/3			
67/25 71/8 77/16 80/5 83/16	116/4 116/11 116/20 120/10	cases [9] 29/20 29/21 83/11			
85/10 85/17 85/21 85/23 86/5	120/14 121/10 121/12 121/18	84/2 85/19 85/20 113/15			
87/12 87/20 88/2 89/16 89/22	122/10 122/22 123/6 124/23	118/17 145/18			
90/2 90/12 92/15 92/17 92/17	125/20 132/14 133/17 134/1	cash [2] 150/6 186/5			
92/20 93/3 93/7 105/21 107/22	139/7 140/18 143/6 147/22	casing [21] 176/18 180/25			
107/24 109/2 112/5 113/20	151/25 152/23 153/21 155/9	181/2 181/4 181/6 181/8			
114/5 126/2 126/9 126/12	159/2 159/9 160/18 161/23	181/10 181/12 188/13 188/15			
127/9 127/15 128/20 128/22	162/4 162/5 162/7 166/22	188/17 188/19 188/21 190/1			
128/23 129/23 131/3 131/23	167/9 167/17 177/7 178/8	190/3 190/5 190/7 190/9			
132/5 133/2 133/3 133/4 133/6	178/17 178/25 179/6 179/19	190/11 190/13 190/15			
133/8 136/7 137/5 138/11	179/21 179/23 179/24 182/6	casings [26] 59/21 176/13			
138/15 140/25 144/15 150/17	183/9 183/11 183/15 184/5	176/16 178/6 178/18 179/10			
161/2 161/6 162/1 162/3 162/7	184/8 185/15 187/14 187/15	180/10 180/18 180/23 185/20			
162/9 162/12 168/10 168/21	187/15 187/25 187/25 189/16	186/3 186/7 186/13 186/17			
184/1 184/4 184/6 184/8	191/3 195/8 197/9 207/1	187/12 188/7 188/11 189/13			
184/11 184/14 195/5 195/7	212/14 215/2 215/3 216/4	189/23 196/9 197/25 209/22			
195/8 198/17 199/12 199/16	216/13	209/24 210/10 210/25 211/9			
203/5 214/20 215/13	can't [20] 33/17 43/10 45/20	casket [9] 8/18 9/7 9/10 9/11			
call-detail [29] 13/11 19/15	48/9 49/7 54/11 63/4 119/4	9/16 9/19 9/23 10/7 27/21			
30/21 30/24 31/10 31/15 33/19	122/25 123/7 130/22 132/13	CAST [10] 82/23 82/24 82/25			
36/12 40/7 57/20 57/23 67/25	132/19 134/24 139/16 139/16	83/5 83/14 84/5 84/6 85/7			
71/8 85/10 85/17 85/21 85/23	180/2 182/7 214/18 216/21	85/9 87/3			
86/5 87/12 87/20 88/2 89/16	candid [1] 73/21	CAST team [1] 84/5			
90/12 92/20 109/2 112/5	cannot [2] 55/22 72/6	CAST Unit [5] 82/23 82/24			
113/20 131/3 140/25	cans [1] 187/18	82/25 83/5 87/3			
called [14] 5/19 47/21 58/3	canvassed [1] 208/10	CATHERINE [1] 1/11			
77/19 77/20 85/14 89/20 89/21	capture [2] 22/16 67/22	cause [3] 49/14 70/17 70/20			
93/7 132/15 132/15 154/2	captured [2] 31/15 200/9	caused [2] 70/21 203/13			
175/16 186/2	capturing [1] 34/11	CCB [1] 1/4			
calling [3] 22/20 81/9 202/4	car [53] 78/2 84/22 122/7	CCB-16-0267 [1] 1/4			
calling's [1] 27/6	155/11 156/16 165/21 166/3	CCTV [1] 61/11			
calls [50] 4/1 4/13 14/7 14/7	166/14 166/17 167/24 168/16	CDR [18] 13/15 13/16 13/16			
18/2 18/5 18/15 21/18 21/19	169/16 169/20 169/24 170/2	13/21 14/4 14/10 20/10 21/16			
22/20 23/1 23/4 23/7 25/14	170/11 171/6 172/7 175/17	22/1 22/2 22/9 87/16 87/16			
25/21 30/9 30/20 31/23 34/10	176/10 177/4 177/18 177/18	87/17 87/25 87/25 87/25			
39/4 43/1 50/23 51/8 57/14	178/7 178/7 178/8 178/9	130/21			
57/17 66/18 66/20 66/21 67/14	178/13 178/14 178/16 178/25	CDR-1 [4] 13/15 13/21 87/16			
67/22 67/22 67/25 74/9 81/10	179/6 179/8 179/11 179/17	87/25			
89/19 93/24 99/14 106/1	179/21 180/2 180/7 181/21	CDR-1-A [3] 13/16 14/4 22/9			
125/20 128/19 131/17 131/24	182/2 182/13 182/14 182/16	CDR-1-B [3] 13/16 14/10 20/10			
132/3 136/10 136/15 141/11	182/19 183/20 187/25 193/1	CDR-2 [2] 87/16 87/25			
142/24 150/19 173/15 195/2	204/21 204/25 205/2 206/19	CDR-3 [2] 87/17 87/25			
came [16] 12/6 18/24 21/6	207/6 207/21	CDR-3-B [1] 22/2			
24/17 54/7 59/6 60/15 63/9	carefully [4] 65/5 65/19	cell [106] 16/21 17/25 17/25			
75/16 80/4 80/14 84/13 132/6	65/22 121/6	18/3 18/9 18/11 18/14 25/13			
132/10 210/1 211/14	Carmine [1] 143/18	69/1 69/8 69/23 71/9 71/17			
camera [7] 190/18 199/18	Carolina [1] 82/8	71/23 72/5 73/17 84/23 85/3			
199/21 200/8 202/2 208/15	carried [2] 62/15 197/18	86/17 86/25 88/2 88/3 88/12			
208/17	carried .40-caliber [1]	88/13 88/13 88/19 88/19 89/4			
cameras [2] 61/10 208/15	197/18	89/5 89/11 89/11 89/25 90/19			
can [143] 11/3 12/12 12/14	carrier [1] 89/7	90/21 91/15 91/25 92/2 92/3			
18/16 20/18 22/9 22/13 23/4	carriers [2] 84/1 84/19	92/4 92/4 92/10 92/16 92/18			
23/11 24/7 25/1 25/7 25/23	carry [1] 197/18	93/8 93/19 93/19 93/22 93/23			
26/3 27/2 27/6 27/18 27/24	carrying [1] 44/23	94/25 95/23 100/11 104/15			
28/15 28/18 33/24 35/6 40/19	cars [5] 176/2 195/25 201/18	107/13 109/22 110/4 112/14			
41/25 45/14 45/15 47/4 47/6	204/14 204/14	112/15 112/16 112/21 112/23			
48/23 65/12 67/21 68/21 71/5	cartridge [2] 44/15 211/9	113/18 114/2 114/8 114/12			
71/24 73/11 76/8 76/19 79/18	cartridge casings [1] 211/9	114/18 114/21 114/22 115/3			
	cartridges [2] 59/22 176/21	115/5 118/5 118/8 118/20			
	Carvell [5] 173/15 173/17	118/21 118/23 118/25 119/3			

Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 227 of 258		
cell... [30] 119/6 119/9 119/17 119/17 121/16 121/17 122/12 122/19 123/18 127/8 128/1 128/5 128/7 128/7 129/4 129/4 129/5 129/6 129/8 129/8 129/9 129/9 129/10 130/9 130/14 136/16 153/6 160/15 160/16 163/23 cell phone [53] 17/25 18/3 69/23 71/23 73/17 86/17 86/25 88/2 88/3 88/19 89/4 89/11 92/2 92/4 92/4 92/10 93/23 94/25 95/23 110/4 112/14 112/15 112/16 112/21 112/23 113/18 114/2 114/8 114/21 114/22 115/3 115/5 118/5 118/8 118/20 118/21 118/23 118/25 119/3 119/6 119/9 119/17 122/12 128/1 128/5 129/8 129/8 130/9 130/14 136/16 153/6 160/16 163/23 cell phone's [1] 71/17 cell phones [6] 71/9 89/11 107/13 109/22 114/12 114/18 cell site [3] 69/1 69/8 72/5 cell tower [25] 84/23 85/3 88/12 88/13 88/13 89/25 90/21 91/15 92/3 92/16 92/18 93/8 93/19 93/22 119/17 121/16 121/17 122/19 123/18 127/8 128/7 128/7 129/9 129/9 129/10 cell towers [10] 88/19 89/5 90/19 91/25 100/11 104/15 129/4 129/4 129/5 129/6 CELL-16 [1] 17/25 CELL-16-A [2] 18/11 18/14 cellular [6] 70/6 82/25 84/12 84/18 88/17 106/11 cellular telephones [1] 70/6 center [16] 90/24 91/7 96/15 97/5 101/13 101/16 102/9 103/12 104/17 104/17 105/4 125/12 177/19 189/3 189/4 193/1 certain [4] 26/23 41/25 69/24 111/17 certainly [11] 8/3 10/6 10/8 44/25 52/13 60/24 61/8 111/22 207/20 211/1 216/9 certification [2] 84/7 84/7 certified [9] 14/1 27/14 84/5 85/7 85/9 109/8 110/2 111/20 217/20 certify [1] 217/15 chain [1] 79/17 chain-link [1] 79/17 chair [2] 10/23 10/24 chaise [1] 79/24 chance [1] 194/20 change [3] 7/18 89/1 122/22 changed [1] 4/14 changes [1] 89/4 characteristics [2] 119/16 119/19 charges [1] 10/14 chart [6] 18/11 30/10 30/11	30/15 30/16 32/18 charts [3] 30/7 30/8 57/15 check [4] 77/18 79/21 135/14 144/12 checked [1] 208/18 chemistry [1] 159/4 chest [3] 26/17 193/20 193/21 Chicken [10] 4/21 4/24 5/5 5/9 5/10 5/24 6/9 6/12 6/18 153/19 Chicken Box [8] 4/21 4/24 5/5 5/9 5/10 6/12 6/18 153/19 choosing [1] 92/2 chose [1] 107/3 Christian [1] 2/15 Christian Aaonsen [1] 2/15 Christina [1] 1/15 Christina Hoffman [1] 1/15 Christopher [3] 2/12 11/20 217/7 Christopher Davis [1] 2/12 CHRISTOPHER KAZMAREK [1] 217/7 CID [3] 93/18 93/18 93/19 circle [9] 98/13 98/16 98/18 98/19 98/22 143/19 154/2 162/21 167/2 circling [3] 78/20 97/20 97/21 Circuit [9] 69/17 69/22 73/5 86/10 86/11 86/11 86/12 86/13 86/14 Circuit Court [6] 86/10 86/11 86/11 86/12 86/13 86/14 cited [1] 213/22 citizen [4] 143/9 144/15 147/5 152/12 citizens [1] 42/20 city [16] 47/20 47/21 82/20 86/10 133/21 142/8 142/9 142/12 143/2 146/23 174/16 177/3 187/2 188/1 197/17 202/20 claims [2] 5/1 70/12 clarity [1] 73/10 class [2] 84/3 84/6 classic [1] 54/1 classify [1] 171/2 clear [12] 7/13 7/20 7/22 8/3 23/23 25/2 72/17 72/20 93/2 105/14 106/3 197/13 clearest [2] 92/8 92/13 clearing [1] 197/11 client [2] 9/22 10/2 climb [1] 79/17 close [11] 26/21 48/7 58/8 77/2 77/24 77/25 78/13 79/1 143/18 183/13 189/22 close-up [2] 183/13 189/22 closer [12] 57/17 78/9 78/12 124/19 124/21 127/23 128/6 128/7 128/21 128/22 128/23 138/25 closest [10] 77/15 94/12 94/21 95/15 95/21 105/24 119/2 121/24 139/3 139/4 closet [1] 164/6 co [4] 53/3 53/4 125/7 161/13 co-conspirator [3] 53/3 53/4	161/13 co-counsel [1] 125/7 coat [1] 44/22 cocking [1] 77/8 Cold [2] 137/17 137/18 Cold Spring [2] 137/17 137/18 collar [1] 82/13 collected [2] 29/7 30/4 collecting [1] 210/5 Collins [25] 12/3 12/5 13/2 28/2 42/1 42/24 46/16 47/11 49/4 50/14 55/11 61/22 62/4 62/6 62/12 62/13 75/3 75/24 90/24 91/10 104/5 134/14 135/9 137/24 138/25 Collins Avenue [16] 12/3 28/2 42/1 46/16 47/11 49/4 50/14 61/22 62/4 62/6 62/12 62/13 90/24 134/14 135/9 137/24 color [2] 184/21 184/22 colored [1] 154/6 come [31] 6/23 14/19 15/25 25/21 36/6 49/9 50/17 50/20 51/23 52/6 52/9 54/16 56/22 56/23 61/25 75/7 85/11 110/15 134/25 143/3 157/13 160/15 162/1 165/16 165/18 184/1 194/22 201/7 206/12 212/14 213/13 comes [1] 169/3 coming [5] 9/21 22/23 73/8 193/2 210/4 commercial [2] 82/21 83/11 common [1] 169/7 communicate [2] 88/17 156/22 communication [2] 24/13 215/1 communications [1] 89/12 communicative [1] 161/21 Community [1] 151/19 companies [5] 88/2 88/3 88/19 88/23 89/4 company [2] 30/25 109/9 compare [5] 18/8 19/19 19/20 61/6 109/12 compared [1] 18/12 comparison [3] 19/24 99/24 100/1 comparisons [1] 214/22 competing [1] 216/9 complaint [4] 147/5 147/7 152/12 152/19 complete [1] 148/1 completely [1] 50/23 complex [3] 153/2 153/6 156/15 complies [3] 47/17 48/15 48/25 computer [4] 65/9 65/13 122/25 123/7 concentration [1] 82/5 concern [3] 5/14 111/3 111/4 concerning [1] 118/8 concerns [3] 4/24 5/5 6/21 conclude [1] 45/9 concluded [8] 53/18 57/11 62/8 111/24 116/14 161/24 207/16 213/8 conclusion [2] 3/17 85/8 conclusions [2] 4/7 215/16

C		
conducted [6] 29/13 85/18 144/25 157/23 158/2 194/23	conversation [2] 34/11 161/9 conversations [1] 6/4	63/20 78/3 78/4 78/14 79/13 79/17 89/7 97/12 97/13 111/20
conducting [5] 152/9 153/4 153/23 156/14 156/16	cooperative [5] 183/23 194/16 194/18 194/19 194/21	112/19 113/18 124/14 124/15 129/14 156/22 180/10 187/10
cone [1] 180/17	coordinates [1] 62/13	191/1 198/7 200/23 201/2 201/4 201/25 208/25 213/7
cones [4] 178/18 180/10 180/13 210/1	copy [4] 13/25 32/23 65/6 90/8	couldn't [4] 77/7 78/11 124/15 124/16
conference [16] 50/21 53/18 54/17 57/11 62/1 62/8 109/18	cordoned [1] 185/16	counsel [5] 125/7 204/17 212/5 213/10 217/1
111/24 115/15 116/14 161/1 161/24 206/13 207/16 212/7 213/8	core [2] 124/19 124/21	count [1] 41/5
conferring [1] 213/10	Corloyd [1] 2/3	country [1] 83/2
confesses [1] 41/24	Corloyd Anderson [1] 2/3	county [22] 82/7 82/14 86/10 86/11 86/12 86/12 86/13 86/13 86/14 86/15 133/21 141/24 141/25 142/5 146/20 151/7 151/11 151/13 151/22 159/18 200/5 200/6
confront [1] 116/6	corner [12] 27/19 47/4 91/2 107/12 107/14 126/1 135/23 177/8 177/13 178/1 178/3 208/7	couple [16] 24/7 25/21 27/22 54/7 125/6 127/18 129/13 135/4 135/18 136/15 151/15 184/4 191/9 191/13 192/5 199/19
confused [2] 160/12 215/7	correct [181] 29/8 29/9 29/17 29/20 30/1 30/13 31/4 31/7 31/19 32/2 32/4 32/18 33/7 34/3 34/8 34/13 34/15 35/10 35/24 36/20 37/24 39/1 39/4 39/11 39/15 39/18 41/1 41/5 41/19 42/1 42/18 42/25 43/6 44/2 44/5 44/8 44/11 44/16 45/2 45/11 45/14 46/6 48/21 49/2 49/17 50/1 53/24 57/18 57/21 58/6 58/23 59/1 59/4 59/6 59/9 59/14 59/23 60/19 60/22 61/3 61/6 61/16 61/19 61/23 62/12 62/15 66/12 68/9 93/1 110/20 112/15 112/17 113/1 113/8 113/23 114/2 114/7 114/9 115/4 118/9 118/21 120/1 121/25 124/3 124/8 125/9 130/10 131/18 131/20 132/6 134/4 134/10 134/17 134/23 135/17 137/6 139/5 139/10 146/21 146/22 146/24 146/25 147/3 147/5 147/6 147/8 147/9 147/11 148/2 148/9 148/11 148/18 149/5 149/17 149/19 149/22 168/17 168/25 169/5 169/11 169/14 169/15 169/17 169/18 169/22 169/24 170/7 171/14 171/19 171/24 176/17 200/7 200/17 200/20 201/6 202/20 202/21 203/1 203/2 203/4 203/7 203/8 203/10 203/11 203/14 203/15 203/17 203/21 204/11 204/21 204/22 205/3 205/4 205/6 205/12 205/16 205/22 206/1 206/3 207/18 207/21 207/24 208/2 208/3 208/5 208/9 208/13 208/16 208/20 209/1 209/10 209/18 209/21 209/23 210/3 210/6 210/16 210/18 211/15 211/16 217/16	course [26] 6/20 9/5 15/20 34/7 35/8 37/11 53/22 54/8 54/13 62/14 69/11 83/6 83/7 83/14 83/20 83/21 83/23 83/24 84/7 84/7 85/24 85/25 86/3 172/7 214/6 215/25
congregate [1] 209/16	connected [5] 31/7 31/17 118/23 118/25 126/20	court [20] 1/1 1/24 22/23 83/4 84/16 84/25 85/5 86/8 86/8 86/9 86/10 86/11 86/11 86/12 86/13 86/14 117/15 169/3 217/4 217/21
conjunction [2] 147/13 167/22	connecting [4] 126/12 126/13 126/14 126/25	Court's [2] 32/14 39/24
connect [7] 7/8 31/10 69/23 92/3 118/21 121/18 121/19	connection [15] 7/25 30/25 31/14 31/16 31/17 31/19 31/20 31/24 49/25 87/5 87/9 87/12 92/24 161/11 201/5	courtroom [12] 1/9 5/2 11/15 56/14 68/17 74/6 108/7 108/21 173/5 173/12 212/18 212/23
connections [1] 67/22	connector [2] 10/25 11/7	courts [1] 86/7
connector [2] 10/25 11/7	connects [1] 119/17	cover [2] 71/24 174/25
consisted [1] 83/19	consistent [31] 26/19 94/24 95/24 97/25 101/5 101/22 103/13 104/4 106/9 111/17 112/4 112/6 115/24 158/8 159/10 160/22 166/2 167/22 186/24 192/22 193/3 193/9 196/18 196/24 198/6 199/13 200/22 200/23 201/3 203/9 215/18	coverage [9] 71/17 71/20 72/19 106/11 122/19 124/14 124/23 128/10 128/13
conspiracy [5] 5/2 5/10 10/3 52/22 52/23	conspirator [3] 53/3 53/4 161/13	covering [1] 82/15
constantly [4] 92/6 92/6 92/11 92/21	contact [17] 17/2 17/10 17/19 21/2 25/13 25/18 33/11 34/2 35/8 35/13 36/14 36/19 38/2 38/22 39/7 39/20 201/7	covers [1] 98/21
contacted [2] 29/22 33/15	contacts [8] 20/4 20/7 21/4 36/7 39/14 40/2 40/7 67/19	CR [1] 217/6
contained [6] 13/24 18/9 18/11 23/20 52/17 115/16	containing [1] 87/20	create [1] 85/2
contains [3] 71/13 167/2 167/10	continue [3] 3/7 108/24 155/3	created [1] 90/8
continued [5] 11/22 12/17 154/5 156/21 217/7	continuing [1] 11/17	crime [29] 12/2 12/18 41/24 60/18 62/17 82/13 82/13 82/15 82/16 82/18 82/19 113/2 177/3 180/8 180/10 180/12 180/17 185/17 187/2 187/3 187/7 205/13 205/14 205/22 210/1 210/4 210/12 210/14 211/7
Contrary [1] 59/3	control [3] 41/17 41/23 42/3	crimes [1] 115/5
controlled [1] 165/20	convene [1] 213/7	criminal [2] 1/4 144/16
		cross [13] 29/1 63/23 67/14 73/12 82/16 110/6 111/11 112/10 146/15 168/6 198/13 202/14 216/7
		cross-border [1] 82/16
		cross-examination [8] 29/1 63/23 111/11 112/10 146/15 168/6 198/13 202/14
		cross-examine [1] 216/7
		CRR [3] 1/23 217/15 217/19
		crumpled [1] 170/25
		crying [3] 76/22 77/1 77/4

C	D	D	D
CS [55] 12/11 12/12 12/14 44/4 60/4 79/5 177/6 177/14 178/5 178/15 178/22 179/3 180/4 180/15 180/22 180/24 181/1 181/3 181/5 181/7 181/9 181/11 181/19 182/1 183/4 183/8 183/13 183/15 183/18 187/4 187/19 188/3 188/5 188/9 188/12 188/14 188/16 188/18 188/20 188/22 188/25 189/6 189/8 189/10 189/22 189/25 190/2 190/4 190/6 190/8 190/10 190/12 190/14 194/8 194/9	currently [5] 5/3 7/1 146/20 174/5 202/19 Curtis [1] 157/10 Curtis Bailey [1] 157/10 custodians [1] 84/14 customer [1] 50/4 customers [2] 50/6 88/10 cut [1] 183/20 cuts [1] 182/13	Davon [2] 36/8 40/20 Davon Temple [2] 36/8 40/20 day [27] 16/25 41/4 66/22 76/8 76/10 76/10 76/11 76/12 77/23 80/12 80/13 83/7 83/21 83/24 84/4 85/15 147/13 149/2 152/8 152/25 162/18 185/6 195/11 204/11 208/4 208/4 213/14 days [5] 41/1 41/2 41/3 41/5 41/7 dead [1] 63/6 dealing [4] 50/11 50/11 50/13 50/15 death [2] 41/1 57/18 December [1] 105/20 decide [1] 8/2 deeper [1] 83/25 Defendant [7] 1/17 2/1 2/3 2/6 2/8 2/11 144/7 Defendant Shakeen Davis [1] 144/7 defendant's [7] 32/13 32/16 34/19 46/20 70/21 147/19 203/23 Defendant's Exhibit 6 [1] 32/13 defendants [2] 1/6 51/2 defense [10] 85/6 111/10 117/3 140/11 140/12 214/16 214/20 215/9 216/2 216/6 defer [1] 63/20 definitely [2] 104/6 196/19 degree [1] 70/12 degrees [2] 98/21 123/22 delay [3] 201/15 202/1 202/4 DEM [6] 23/14 24/20 24/24 25/2 25/7 26/6 DEM-7 [2] 24/24 26/6 DEM-8 [3] 24/20 25/2 25/7 demonstrative [6] 3/8 3/9 3/14 7/5 7/8 7/14 demonstratives [5] 6/23 6/24 72/12 72/15 73/18 department [12] 41/9 58/13 82/8 82/20 142/5 142/10 142/13 151/11 151/14 174/7 174/8 202/20 depending [4] 89/7 212/19 214/24 215/23 depends [2] 113/22 113/24 depicted [1] 75/10 deputy [1] 82/7 describe [3] 76/19 171/10 185/15 described [10] 55/13 85/25 88/18 89/9 90/12 91/9 177/11 178/6 193/8 196/21 description [1] 72/14 design [2] 84/18 121/13 designed [1] 121/4 DET [3] 217/7 217/12 217/13 detail [32] 13/11 19/15 30/21 30/24 31/10 31/15 33/19 36/12 40/7 41/25 57/20 57/23 58/2 67/25 71/8 83/16 85/10 85/17 85/21 85/23 86/5 87/12 87/20 88/2 89/16 90/12 92/20 109/2 112/5 113/20 131/3 140/25	
CS-2-2 [2] 12/12 12/14 CS-2-3 [2] 44/4 60/4 CS-3-10 [1] 181/1 CS-3-11 [1] 181/3 CS-3-12 [1] 181/5 CS-3-13 [1] 181/7 CS-3-14 [1] 181/9 CS-3-15 [1] 181/11 CS-3-17 [1] 182/1 CS-3-19 [1] 183/8 CS-3-2 [1] 177/14 CS-3-20 [1] 183/13 CS-3-21 [1] 183/15 CS-3-22 [1] 183/18 CS-3-3 [1] 178/15 CS-3-4 [1] 178/22 CS-3-5 [1] 179/3 CS-3-6 [1] 180/4 CS-3-7 [1] 180/15 CS-3-8 [1] 180/22 CS-3-9 [1] 180/24 CS-4-10 [1] 188/20 CS-4-11 [1] 188/22 CS-4-12 [1] 188/25 CS-4-13 [1] 189/6 CS-4-14 [1] 189/8 CS-4-15 [1] 189/10 CS-4-16 [1] 189/22 CS-4-17 [1] 189/25 CS-4-18 [1] 190/2 CS-4-19 [1] 190/4 CS-4-20 [1] 190/6 CS-4-21 [1] 190/8 CS-4-22 [1] 190/10 CS-4-23 [1] 190/12 CS-4-24 [1] 190/14 CS-4-25 [1] 194/9 CS-4-3 [1] 188/3 CS-4-4 [1] 188/5 CS-4-5 [1] 188/9 CS-4-6 [1] 188/12 CS-4-7 [1] 188/14 CS-4-8 [1] 188/16 CS-4-9 [1] 188/18 CSLI [2] 90/6 114/13 CSLI-1 [1] 114/13 Cumberland [2] 86/13 86/13 Cumberland County [2] 86/13 86/13 cumulative [5] 5/4 5/7 5/11 8/15 8/21 currency [4] 164/4 165/6 165/8 165/10	D D'Andre [4] 182/19 183/3 183/17 205/2 D'Andre Gwynn [4] 182/19 183/3 183/17 205/2 D-10 [1] 166/24 D-10-A [3] 166/24 166/25 167/1 D.C [1] 82/16 dad [1] 76/11 Dana [5] 182/17 182/23 182/24 183/6 205/3 Dana Johnson [5] 182/17 182/23 182/24 183/6 205/3 dangerous [1] 165/20 DANTE [42] 1/5 1/17 3/20 3/21 3/24 4/1 4/2 14/25 15/21 15/25 16/7 16/11 16/19 17/9 19/16 20/20 21/5 21/9 23/8 23/24 23/25 24/1 24/9 25/11 25/18 27/14 27/19 33/11 60/15 60/19 60/22 61/2 70/6 109/5 114/22 114/24 117/25 154/16 154/19 157/10 160/20 192/10 DANTE BAILEY [30] 1/5 1/17 3/20 3/21 3/24 4/1 4/2 14/25 15/21 16/7 20/20 21/5 23/24 24/9 25/11 27/19 33/11 60/15 60/19 61/2 70/6 109/5 114/22 114/24 117/25 154/16 154/19 157/10 160/20 192/10 Dante Bailey's [12] 15/25 16/11 16/19 17/9 19/16 21/9 23/8 23/25 24/1 25/18 27/14 60/22 dark [3] 70/14 91/5 154/6 dark-blue [1] 91/5 dark-colored [1] 154/6 data [9] 86/18 86/25 88/4 106/3 109/4 110/17 110/19 111/16 122/10 date [18] 3/22 16/23 20/15 21/21 26/8 27/9 28/15 28/19 36/22 43/20 43/23 89/19 94/22 96/9 162/7 184/8 195/8 217/21 Dated [1] 116/25 dates [2] 40/6 40/10 Daubert [4] 69/1 69/16 73/16 215/20 daughter [4] 76/3 76/21 77/12 77/17 daughter's [1] 76/24 Davis [22] 2/8 2/12 63/19 63/20 65/14 67/6 144/7 144/18 144/24 144/25 145/2 145/12 146/2 146/5 146/19 148/9 149/4 149/7 149/10 149/13 149/23 202/18 Davis' [1] 149/19		

<p>D</p> <p>details [2] 42/5 42/17</p> <p>detain [1] 144/14</p> <p>detained [2] 144/11 148/13</p> <p>detect [1] 203/10</p> <p>detective [56] 4/20 4/20 5/19 5/21 6/6 7/1 8/7 8/12 11/18 11/20 13/1 14/16 17/24 19/15 25/17 26/15 27/13 29/3 36/25 44/4 45/8 50/24 51/13 52/4 53/3 54/20 55/22 63/10 63/25 64/2 65/19 67/14 110/16 150/22 151/9 151/10 161/4 162/4 162/15 168/8 173/15 173/17 174/22 182/9 184/18 190/16 198/15 201/13 202/10 202/16 202/25 203/10 206/18 206/23 207/18 210/20</p> <p>DETECTIVE CHRISTOPHER KAZMAREK [1] 11/20</p> <p>Detective Kazmarek [4] 53/3 54/20 55/22 110/16</p> <p>Detective Kazmarek's [1] 8/7</p> <p>Detective Kevin Carvell [1] 173/15</p> <p>Detective Young [2] 161/4 168/8</p> <p>detectives [2] 80/4 200/4</p> <p>determination [1] 128/13</p> <p>determine [20] 3/18 13/8 19/25 20/7 21/9 29/13 40/7 92/7 92/12 112/15 122/2 125/3 136/12 149/19 153/17 176/19 179/10 179/16 201/2 201/2</p> <p>determined [1] 14/1</p> <p>determining [1] 51/17</p> <p>developments [1] 89/2</p> <p>device [2] 61/18 99/15</p> <p>diagnostics [1] 88/18</p> <p>dialed [1] 26/3</p> <p>did [215] 6/20 8/5 8/9 9/22 12/22 13/1 13/11 15/6 15/20 16/8 17/24 18/2 18/5 18/8 19/15 19/19 19/19 20/3 20/7 25/18 26/15 29/16 30/10 30/16 31/14 31/22 33/14 36/6 36/11 37/11 37/16 37/20 40/7 41/15 42/5 43/7 43/12 46/4 46/21 49/9 49/25 50/17 50/17 51/22 51/23 54/8 54/13 54/25 55/3 55/25 56/1 56/11 57/23 58/11 58/12 58/20 59/13 59/18 59/25 60/1 60/7 60/8 60/17 61/10 61/15 66/10 66/18 66/21 67/2 68/4 75/21 76/6 76/15 77/4 77/12 77/12 77/16 78/22 80/8 80/9 80/19 80/20 82/6 87/4 87/7 87/8 87/11 87/12 87/24 90/3 109/10 109/11 109/12 110/5 110/11 111/9 113/5 114/25 116/24 117/11 122/12 122/18 132/8 132/9 138/21 138/24 143/3 143/12 143/25 144/14 146/7 149/1 149/14 149/19 149/24 153/8 153/17 154/10 154/13 156/1 156/4 156/10 157/1 157/3 157/5 157/13 157/16 157/19 157/24</p>	<p>159/19 159/20 159/21 159/23 159/24 159/25 160/1 160/1 160/2 160/3 160/6 160/8 162/17 162/19 163/10 163/13 165/13 165/16 165/18 165/21 168/24 172/2 174/15 174/24 175/1 175/5 175/7 175/22 176/1 176/5 176/6 179/10 182/9 182/11 182/15 182/17 183/21 183/22 184/18 184/23 184/24 184/24 184/25 185/2 185/11 185/13 185/14 190/17 190/24 192/1 192/9 192/22 193/14 194/14 194/22 195/14 195/18 195/21 195/24 196/11 196/14 196/16 198/17 198/20 199/14 200/1 200/2 201/16 202/24 203/18 204/5 205/7 205/10 205/16 205/17 205/25 206/4 206/7 207/20 208/12 208/21 209/3 211/6 212/17 214/15 214/19</p> <p>didn't [45] 30/9 30/11 31/16 41/14 42/6 42/21 43/3 49/14 58/18 58/25 60/7 61/22 66/20 67/2 78/2 78/8 111/16 118/4 122/16 122/17 132/7 147/14 148/21 148/23 160/13 170/8 172/3 190/18 190/19 194/19 204/4 205/24 206/4 206/5 206/10 206/19 207/12 207/13 207/13 207/14 207/18 208/10 208/12 208/21 210/11</p> <p>died [1] 133/7</p> <p>dies [1] 42/5</p> <p>difference [5] 89/23 91/14 91/20 91/24 180/14</p> <p>differences [1] 91/15</p> <p>different [16] 7/9 24/24 37/9 39/3 52/4 84/1 124/15 126/20 128/20 130/15 147/2 164/5 196/19 197/17 197/19 197/21</p> <p>difficulties [1] 122/25</p> <p>digital [6] 163/22 164/23 164/25 167/3 167/12 167/21</p> <p>digital scale [3] 164/23 164/25 167/12</p> <p>digital scales [2] 163/22 167/21</p> <p>dining [3] 78/1 79/10 79/25</p> <p>Dinka [2] 66/17 66/22</p> <p>Diplomate [1] 217/20</p> <p>DIRE [2] 81/20 217/10</p> <p>direct [19] 7/2 11/22 73/12 74/19 76/4 81/20 87/1 110/5 110/6 111/7 111/8 117/6 141/19 151/2 152/5 162/15 174/1 175/8 185/4</p> <p>direction [12] 6/13 71/19 89/2 93/24 94/3 94/7 104/5 107/20 119/13 124/4 155/12 155/19</p> <p>directional [1] 98/20</p> <p>directionality [1] 72/20</p> <p>directions [1] 124/12</p> <p>directly [8] 10/23 74/13 81/16 141/15 150/23 173/19 186/16 206/5</p> <p>directors [1] 43/4</p>	<p>disable [1] 121/7</p> <p>disagree [2] 113/9 113/14</p> <p>disc [2] 13/21 13/24</p> <p>discs [1] 87/20</p> <p>discuss [1] 14/20</p> <p>discusses [2] 161/13 214/3</p> <p>discussing [9] 6/9 6/15 12/1 12/24 20/3 20/8 23/18 24/18 109/3</p> <p>discussion [1] 161/12</p> <p>dispatched [1] 28/3</p> <p>distance [1] 71/23</p> <p>distraught [1] 77/1</p> <p>distribution [4] 5/25 152/4 167/23 168/2</p> <p>district [18] 1/1 1/1 46/25 72/10 86/8 86/9 142/17 142/18 174/22 174/23 174/24 181/15 181/22 192/9 201/12 203/1 213/24 214/1</p> <p>District Court [2] 86/8 86/9</p> <p>dive [1] 83/25</p> <p>DIVISION [1] 1/2</p> <p>DNA [9] 12/6 58/13 58/14 58/20 59/21 60/1 60/10 61/2 211/11</p> <p>do [184] 3/6 3/25 5/21 6/7 6/25 7/14 8/12 8/20 8/21 10/6 12/8 12/18 13/24 14/22 15/2 15/12 15/16 16/4 16/12 16/16 16/18 17/1 17/6 17/8 17/10 17/13 17/19 21/24 22/3 23/15 24/17 24/21 27/16 28/7 31/9 32/25 33/19 35/13 35/18 36/1 36/3 37/2 37/18 38/17 38/21 39/6 39/7 40/22 41/8 41/9 41/18 43/20 43/22 47/4 47/8 47/10 47/13 47/15 47/18 48/2 48/7 48/10 48/23 49/11 50/1 50/5 52/2 56/15 56/17 58/1 58/2 58/11 58/25 59/18 59/25 61/25 63/2 64/5 64/5 64/8 65/1 65/6 65/25 66/2 66/5 66/14 70/25 71/1 71/15 72/11 74/3 79/6 80/2 80/2 80/10 81/24 82/6 83/15 85/2 85/10 85/15 87/19 88/2 88/18 88/25 89/1 89/4 89/15 90/7 93/21 109/22 110/7 110/8 111/20 112/19 113/19 114/13 114/16 114/17 115/7 115/14 116/19 117/8 118/4 118/6 120/13 122/12 122/18 122/20 123/8 123/10 123/10 130/7 130/21 130/25 131/12 132/10 132/11 132/12 133/19 134/25 135/4 135/5 144/21 145/8 149/8 149/11 151/6 153/13 154/18 155/5 156/9 156/9 157/17 158/10 158/17 161/3 162/1 163/1 165/19 168/21 170/8 170/20 170/25 182/22 182/23 183/2 189/14 194/1 197/2 199/3 199/4 199/5 199/7 199/10 200/9 202/1 202/4 204/20 205/24 208/23 216/17 216/19 217/15</p> <p>doctor [1] 70/16</p> <p>doctor's [1] 70/19</p>
--	---	---

<p>D</p> <p>doctors [1] 42/10</p> <p>document [4] 116/19 116/23 204/8 214/8</p> <p>does [27] 9/21 22/7 22/16 28/4 35/3 48/6 52/18 65/1 75/8 92/2 92/14 93/2 93/18 118/14 120/20 120/22 121/1 121/6 121/7 130/4 131/15 141/9 147/24 160/21 168/11 173/13 215/4</p> <p>doesn't [11] 5/13 7/17 9/22 10/1 31/12 31/19 54/11 115/2 120/19 130/2 180/21</p> <p>dog [3] 157/17 157/23 157/24</p> <p>doing [6] 37/18 92/11 114/11 116/2 142/23 210/14</p> <p>Dominick [6] 15/5 16/22 25/14 25/14 36/8 52/4</p> <p>Dominick Wedlock [5] 15/5 16/22 25/14 25/14 36/8</p> <p>Dominick Wedlock's [1] 52/4</p> <p>don't [72] 5/2 6/5 7/10 9/5 10/17 26/25 30/2 31/17 37/20 41/20 41/20 42/8 53/9 53/12 56/12 57/2 62/6 62/11 62/17 62/18 63/4 63/6 63/7 65/15 70/2 70/11 70/15 70/23 71/3 72/4 72/5 73/7 75/16 76/15 76/20 79/3 80/25 98/20 101/1 108/13 109/25 111/5 114/11 114/25 115/17 115/22 118/16 119/2 119/4 120/13 121/8 121/9 128/1 128/3 128/25 131/9 135/3 138/8 138/9 139/12 180/1 187/13 199/15 200/8 202/2 202/8 207/7 207/11 208/17 210/19 213/16 214/14</p> <p>done [4] 4/1 85/19 210/12 210/16</p> <p>door [23] 78/15 79/11 164/14 175/17 179/7 179/25 180/1 181/23 181/23 182/4 182/7 185/20 185/21 186/13 186/15 186/16 187/8 187/14 187/16 189/18 189/19 189/20 196/7</p> <p>doorstep [1] 80/24</p> <p>doorway [1] 78/25</p> <p>dot [4] 75/21 90/20 125/12 153/1</p> <p>dots [1] 91/25</p> <p>double [1] 135/14</p> <p>double-check [1] 135/14</p> <p>doubt [2] 124/25 125/2</p> <p>Douglas [4] 1/23 40/21 217/15 217/19</p> <p>down [63] 16/12 17/10 17/19 23/23 24/7 33/5 35/18 36/3 37/8 38/11 38/21 39/17 46/1 46/4 46/9 47/13 48/18 49/7 50/13 55/10 66/18 78/13 79/4 81/7 90/23 91/9 94/12 98/2 102/9 104/5 104/7 117/24 120/10 123/5 126/8 127/24 128/11 134/25 138/6 144/25 148/16 149/17 152/10 153/2 153/5 153/22 153/25 154/2</p>	<p>154/5 156/21 160/18 169/14 177/17 178/21 183/10 188/8 189/19 190/25 191/5 191/5 206/18 207/5 216/5</p> <p>download [1] 16/21</p> <p>downstairs [3] 77/17 77/18 79/21</p> <p>downward [1] 177/24</p> <p>DPSCS [2] 174/11 174/15</p> <p>DR [1] 217/6</p> <p>draft [9] 115/7 115/10 115/12 115/18 115/21 115/25 116/24 117/7 118/7</p> <p>draw [1] 98/14</p> <p>drawer [1] 164/6</p> <p>drawn [2] 3/17 125/7</p> <p>dresser [1] 164/6</p> <p>drew [1] 10/24</p> <p>drills [1] 197/12</p> <p>drive [6] 84/22 85/2 122/5 122/6 122/12 189/5</p> <p>driver [5] 154/9 157/10 157/12 182/17 182/25</p> <p>driver's [5] 154/8 169/22 178/13 179/6 181/23</p> <p>driving [4] 122/7 154/11 154/13 168/16</p> <p>drop [1] 44/22</p> <p>dropped [1] 44/18</p> <p>drug [9] 50/1 144/5 151/19 151/23 152/3 152/4 152/13 156/12 169/10</p> <p>drug-related [2] 50/1 151/23</p> <p>drugs [12] 49/20 82/13 82/17 150/1 150/4 158/12 158/20 158/22 159/3 159/9 160/9 172/8</p> <p>Druid [8] 97/5 97/9 104/7 107/6 107/6 127/18 136/17 136/18</p> <p>Druid Hill [1] 127/18</p> <p>Druid Hill Park [6] 97/9 104/7 107/6 107/6 136/17 136/18</p> <p>Druid Lake [1] 97/5</p> <p>ducked [2] 206/18 207/5</p> <p>Due [2] 144/15 190/17</p> <p>dumb [1] 184/25</p> <p>duration [2] 31/13 89/22</p> <p>during [16] 13/7 62/3 68/7 84/3 96/13 101/6 107/14 110/11 110/19 111/6 115/5 125/21 151/22 192/9 200/19 214/15</p> <p>Durum [1] 117/15</p> <p>duties [2] 82/9 174/11</p> <p>duty [1] 142/21</p> <p>E</p> <p>each [11] 5/9 33/11 33/15 37/5 83/25 84/1 84/11 84/19 93/20 159/12 215/18</p> <p>earlier [18] 38/5 39/21 48/4 64/3 76/12 90/12 104/12 107/17 109/13 120/12 123/25 124/6 125/8 129/3 129/5 130/8 132/5 187/24</p> <p>earliest [1] 20/15</p> <p>early [3] 76/4 76/16 76/17</p>	<p>earth [2] 85/12 129/2</p> <p>easel [2] 133/15 140/18</p> <p>east [8] 97/7 97/11 99/5 100/2 102/19 105/6 127/17 130/1</p> <p>East Baltimore [2] 127/17 130/1</p> <p>East Midway [2] 97/7 97/11</p> <p>easy [1] 79/16</p> <p>edge [1] 79/3</p> <p>Edges [22] 4/21 5/24 6/13 6/18 153/11 153/16 153/17 153/24 154/10 154/20 155/17 156/9 156/17 157/11 160/6 160/9 161/10 162/6 168/16 168/21 169/14 171/25</p> <p>education [1] 86/22</p> <p>educational [1] 82/3</p> <p>Edwards [46] 3/20 3/21 3/24 10/7 13/8 13/9 14/2 14/16 15/22 16/24 18/23 21/5 22/22 23/24 24/10 25/12 27/20 29/14 32/2 33/10 35/23 37/2 37/12 37/24 46/12 49/11 49/20 50/17 51/18 51/23 58/5 58/5 58/14 62/12 62/15 62/19 70/7 114/13 118/9 123/14 130/17 131/6 131/20 133/2 134/15 139/23</p> <p>Edwards' [33] 12/22 14/19 20/5 20/11 20/13 21/9 21/13 21/17 21/18 22/17 23/1 23/4 24/2 25/5 25/18 26/20 31/23 33/6 36/16 38/9 38/19 39/1 39/7 39/10 39/15 41/1 57/14 58/9 58/16 63/5 67/16 70/7 132/6</p> <p>effect [2] 6/17 9/10</p> <p>efficient [1] 85/16</p> <p>efforts [1] 208/23</p> <p>eight [6] 41/1 41/5 92/10 191/8 191/13 192/4</p> <p>either [6] 4/4 61/13 150/3 170/9 189/18 201/18</p> <p>eject [3] 45/4 45/6 45/16</p> <p>ejected [2] 45/1 45/24</p> <p>ejects [1] 45/17</p> <p>electronic [4] 61/15 123/9 168/25 169/4</p> <p>elevated [1] 127/12</p> <p>Elita [1] 2/4</p> <p>Elita Amato [1] 2/4</p> <p>else [15] 30/18 51/11 52/12 55/23 63/13 67/8 81/2 150/10 171/8 171/9 172/16 211/19 212/14 214/11 215/6</p> <p>else's [1] 58/19</p> <p>elsewhere [1] 72/10</p> <p>emblem [2] 188/1 188/1</p> <p>emergency [1] 92/18</p> <p>emotional [1] 76/24</p> <p>employed [3] 141/23 174/6 174/16</p> <p>encountered [1] 204/18</p> <p>end [2] 12/22 154/1</p> <p>ended [1] 195/25</p> <p>ending [2] 32/23 94/10</p> <p>ends [1] 22/21</p> <p>energy [1] 94/2</p> <p>enforcement [7] 81/24 84/15</p>
---	--	--

E	112/10 140/23 141/19 146/15 151/2 168/6 174/1 198/13 202/14 210/8 210/10 211/8 examinations [2] 85/17 211/14 examine [3] 17/25 147/22 216/7 examined [1] 210/18 example [10] 88/14 119/21 120/11 121/14 123/13 125/23 127/7 129/11 129/16 216/6 Excel [1] 85/11 except [1] 56/17 excerpt [11] 14/4 14/7 14/10 14/13 20/11 20/12 20/16 21/16 21/18 21/22 160/16 exchange [2] 180/12 180/12 exclude [3] 73/7 73/17 214/8 exculpatory [1] 52/8 excuse [6] 68/18 108/8 108/14 173/4 173/6 213/5 excused [15] 68/12 68/13 68/16 81/8 141/7 141/8 150/14 150/16 172/22 172/23 212/1 212/4 213/19 213/20 216/24 excusing [1] 108/6 executed [1] 163/5 execution [1] 162/17 exercise [1] 84/25 exhibit [93] 7/18 9/8 9/10 12/11 15/1 15/24 15/25 16/4 16/10 16/21 17/1 18/9 20/21 21/16 22/1 22/12 22/19 23/14 23/15 24/21 25/22 27/13 28/13 32/13 32/16 34/18 34/19 34/23 35/3 35/12 36/13 36/18 37/1 38/1 38/14 38/17 38/25 39/13 46/20 75/6 79/5 90/6 94/8 96/5 97/25 100/7 115/20 116/7 116/8 117/3 130/21 140/8 140/11 140/12 143/14 144/20 145/7 145/8 145/15 145/20 147/20 152/22 153/12 153/20 154/17 158/9 158/16 158/17 159/1 159/6 160/14 160/15 160/17 162/2 162/25 164/12 166/19 166/22 167/8 177/6 178/5 181/19 182/21 183/4 184/2 187/4 187/19 191/2 193/25 194/8 203/23 212/2 216/21 Exhibit 8 [1] 140/8 Exhibit CDR-1-A [2] 21/16 130/21 Exhibit CS-2-2 [1] 12/11 Exhibit CS-3-1 [1] 177/6 Exhibit DEM-7 [1] 23/14 exhibits [15] 3/14 3/16 6/25 8/11 8/11 8/13 8/15 8/21 8/23 13/15 27/22 29/6 29/7 87/16 216/20 exited [1] 155/17 exiting [2] 144/8 148/9 expanded [1] 187/8 expect [9] 7/20 45/25 51/25 73/25 74/2 74/3 121/19 133/7 213/14 expecting [1] 51/20 experience [7] 86/23 124/21 128/3 140/25 159/8 167/16 <th data-bbox="1057 37 1521 79">197/24 experienced [1] 45/8 experiencing [1] 5/16 expert [17] 69/25 72/6 72/8 72/10 86/4 86/17 109/21 109/23 214/17 214/20 215/9 215/13 215/14 216/2 216/6 216/12 216/14 explain [4] 90/3 97/14 110/8 197/9 explained [1] 24/24 explaining [1] 214/19 explanation [5] 73/21 128/18 128/21 206/22 207/6 explore [1] 51/15 exploring [1] 51/19 extend [1] 124/11 extent [1] 10/18 extra [2] 44/21 44/23 Exxon [2] 155/2 169/17 eyes [1] 47/5 eyewitnesses [2] 54/3 60/24</th>	197/24 experienced [1] 45/8 experiencing [1] 5/16 expert [17] 69/25 72/6 72/8 72/10 86/4 86/17 109/21 109/23 214/17 214/20 215/9 215/13 215/14 216/2 216/6 216/12 216/14 explain [4] 90/3 97/14 110/8 197/9 explained [1] 24/24 explaining [1] 214/19 explanation [5] 73/21 128/18 128/21 206/22 207/6 explore [1] 51/15 exploring [1] 51/19 extend [1] 124/11 extent [1] 10/18 extra [2] 44/21 44/23 Exxon [2] 155/2 169/17 eyes [1] 47/5 eyewitnesses [2] 54/3 60/24
F	F	
<p>enforcement... [5] 141/23 142/4 151/6 157/14 174/5 engineers [2] 84/17 121/13 enough [2] 43/14 58/14 enter [2] 115/20 187/10 entered [4] 11/15 74/6 108/21 173/12 entering [2] 116/7 116/8 entire [2] 80/22 178/20 entirety [1] 7/11 entitled [3] 51/15 116/1 217/17 entry [2] 19/1 163/10 environment [1] 92/6 Enzinna [6] 1/18 69/13 112/9 115/19 140/5 140/15 equal [1] 100/24 equipment [7] 84/21 84/21 88/16 89/1 121/4 122/1 122/6 error [6] 214/21 215/19 216/2 216/7 216/8 216/10 escape [1] 43/16 ESPA [1] 85/14 Esquire [9] 1/15 1/15 1/18 1/18 2/2 2/4 2/7 2/9 2/12 essentially [6] 72/25 91/14 91/24 203/9 204/17 215/5 Essex [1] 99/24 establish [4] 7/10 7/14 8/16 197/2 established [3] 5/9 38/5 39/21 establishment [1] 5/8 et [1] 1/5 even [7] 26/25 40/2 41/17 42/5 44/2 115/22 121/24 evening [3] 76/14 142/19 142/21 ever [6] 25/18 66/19 66/21 85/22 86/4 149/10 every [9] 83/10 84/3 84/4 85/15 88/7 88/21 89/7 89/7 90/19 everybody [2] 77/21 212/14 everyone [4] 3/3 46/14 53/23 65/12 everyone's [1] 65/9 everything [3] 45/17 71/2 72/15 evidence [44] 3/9 3/17 3/17 3/19 3/22 4/14 5/4 5/7 5/13 16/10 16/20 25/22 26/19 26/23 44/12 44/13 52/6 64/12 110/10 110/23 111/12 123/9 145/17 145/18 146/4 148/11 149/1 149/7 149/10 149/13 149/23 160/15 162/2 167/1 171/12 184/2 186/20 195/4 207/23 209/20 210/5 210/8 216/1 217/5 exact [4] 33/17 48/9 72/19 131/9 exactly [6] 45/20 70/2 70/15 91/21 124/10 210/17 examination [23] 11/22 29/1 63/23 67/12 74/19 81/20 87/1 111/6 111/7 111/8 111/11</p>	<p>F-A-T-I-M-A [1] 74/16 face [3] 26/16 89/2 95/21 faced [1] 93/23 faces [18] 30/16 94/6 94/16 94/20 95/13 95/18 95/19 96/15 96/19 101/15 102/9 102/17 102/19 103/4 105/6 105/8 119/13 196/7 FaceTime [1] 10/13 FaceTiming [1] 8/18 facilities [1] 174/13 facing [15] 96/22 97/9 102/5 102/21 103/6 105/4 123/20 128/11 130/1 155/1 155/12 155/14 155/19 191/4 191/5 fact [14] 10/1 21/12 42/3 57/20 68/7 72/13 73/4 110/8 110/15 118/24 124/14 156/24 165/21 209/19 factors [1] 69/24 facts [3] 41/17 41/18 41/20 factual [3] 70/1 71/15 72/13 Fair [1] 43/14 fairly [3] 26/21 33/11 209/9 false [1] 52/7 familiar [10] 15/6 46/24 47/1 47/2 75/8 175/5 192/10 192/17 197/5 202/2 family [5] 26/25 42/11 42/13 43/5 75/5 far [18] 11/3 42/8 46/4 52/1 52/7 84/23 85/3 95/10 122/10 126/17 137/23 138/2 138/5 155/11 167/24 189/3 193/3 208/7 farther [6] 35/18 36/3 37/8 38/11 38/21 44/2 fashion [1] 136/11 faster [1] 39/6 Fatima [5] 13/5 74/9 74/11 74/15 217/8 FATIMA HAMID [3] 74/11 74/15 217/8 FBI [7] 81/25 82/1 82/6 82/9 82/10 197/14 197/18</p>	

G			Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 234 of 258		
gas... [32]	155/25	156/2	going [136]	5/23	13/14 14/19
156/4 156/4 156/6 156/17			14/21 15/1 15/11 15/24 16/10		
175/12 177/8 177/20 179/7			18/14 24/20 26/10 26/13 27/4		
179/25 182/4 185/9 185/16			28/11 31/10 32/9 32/12 32/16		
185/17 185/19 186/1 186/11			33/18 35/2 35/21 37/1 38/21		
186/13 187/6 187/21 189/2			40/6 42/17 45/15 45/16 46/19		
189/11 190/17 191/1 191/6			47/1 47/3 52/1 52/15 54/25		
193/2 200/10 208/7 208/16			55/10 56/15 56/23 56/24 57/1		
209/2 209/16			63/20 64/2 64/11 65/4 65/8		
gate [1]	79/18		65/10 65/12 65/15 65/20 65/20		
gather [1]	207/23		66/15 66/15 68/25 69/15 70/2		
gave [2]	30/4 69/9		70/15 70/16 70/19 70/20 70/23		
gearbox [1]	167/11		71/18 73/14 75/6 76/16 79/5		
gears [1]	13/6		86/23 87/15 88/25 90/6 90/20		
gearshifter [1]	166/3		90/21 92/16 92/18 92/19 92/19		
general [13]	29/5 40/1 40/12		94/2 95/4 98/14 108/4 109/21		
45/23 47/20 53/15 62/5 88/13			109/24 110/3 115/12 117/2		
93/8 103/14 114/3 119/4			119/12 124/19 125/5 127/6		
142/25			127/14 127/22 129/11 130/20		
generalized [1]	119/5		131/8 133/22 134/18 135/4		
generally [9]	10/21 45/6		143/14 143/17 144/20 145/6		
45/16 50/6 56/10 89/3 124/10			145/15 147/19 153/12 153/20		
178/6 178/7			154/17 155/4 156/17 158/15		
generic [1]	118/16		159/1 160/16 162/9 162/11		
gentleman [5]	6/18 43/2		162/25 166/9 166/20 168/10		
163/16 169/13 214/19			181/19 182/21 184/4 184/10		
gentlemen [5]	11/16 143/10		184/13 184/17 189/19 191/3		
173/3 205/6 213/9			191/9 191/22 192/4 192/7		
geographically [2]	99/2 99/23		193/7 194/8 195/1 195/4		
George's [2]	82/14 86/12		198/23 201/19 203/22 209/13		
gesture [1]	6/19		212/10 213/12		
get [38]	11/12 11/14 31/17		gone [1]	88/22	
45/20 51/12 56/12 56/17 58/13			good [34]	3/3 3/4 3/5 11/24	
59/20 60/1 60/9 69/5 69/7			11/25 29/3 29/4 35/7 63/25		
74/5 78/13 79/15 89/6 89/18			64/1 74/21 81/22 81/23 108/1		
89/24 122/25 123/6 125/4			112/12 112/13 141/21 141/22		
134/1 134/19 143/11 148/15			146/17 146/18 151/4 151/5		
154/20 169/16 170/8 172/7			168/8 168/9 172/24 174/3		
180/21 189/20 197/12 205/18			174/4 198/15 198/16 202/16		
205/21 205/23 213/4 213/12			202/17 205/1 205/23 212/8		
gets [4]	42/4 65/22 72/11		Google [1]	85/12	
120/8			Google Earth [1]	85/12	
getting [7]	4/10 56/9 78/9		gory [3]	9/17 10/7 10/8	
113/17 155/24 200/13 212/10			got [29]	26/16 57/23 58/2	
giant [1]	127/22		59/8 70/4 77/17 78/12 84/11		
Gibbs [9]	54/9 54/23 55/7		86/2 123/2 128/21 143/21		
55/14 56/2 56/17 56/19 56/25			144/6 147/5 154/8 154/10		
57/2			154/22 155/19 169/19 171/21		
give [9]	33/17 40/10 48/9		179/11 183/19 184/19 190/20		
71/16 86/24 87/24 183/24			193/12 197/19 203/5 204/18		
191/6 212/14			214/5		
given [5]	7/6 7/12 19/16		gotten [2]	149/8 175/21	
52/22 169/2			Government [28]	3/15 3/16	
gives [1]	71/22		3/25 4/3 5/1 5/4 5/9 5/13		
glass [2]	182/14 183/19		7/20 9/24 10/17 70/4 71/25		
go [47]	4/10 4/11 24/11 24/11		74/8 74/9 81/9 81/10 111/5		
29/5 32/10 33/9 35/12 37/22			141/9 141/11 150/17 150/19		
40/15 41/18 41/18 41/22 41/22			173/13 173/15 204/16 209/20		
47/5 48/1 51/7 55/20 63/18			215/5 215/8		
63/19 66/15 79/12 79/13 83/13			GOVERNMENT'S [56]	11/20 12/10	
84/6 85/2 92/2 120/6 120/13			13/15 15/1 15/24 16/21 18/9		
120/14 120/15 120/16 123/15			21/15 22/1 23/13 25/22 74/11		
133/10 134/19 138/5 143/20			75/6 79/5 81/13 87/16 90/6		
144/8 156/1 159/4 161/17			141/13 143/14 144/20 145/7		
169/9 179/8 185/13 186/14			145/15 145/20 150/22 152/22		
205/5 205/16			153/12 153/20 154/17 155/4		
goes [4]	103/7 104/21 145/17		158/9 158/16 158/17 159/1		
			159/6 160/15 162/2 162/25		
			164/12 166/19 166/22 167/8		
			173/11 177/5 178/5 181/19		
			182/21 183/4 184/2 187/4		
			187/19 191/2 193/25 194/8		
			214/9 216/20 217/5		
			Government's Exhibit [7]	15/1	
			144/20 153/12 154/17 162/25		
			182/21 193/25		
			Government's Exhibit 10-A [1]		
			166/19		
			Government's Exhibit AP-2-A		
			[1] 158/9		
			Government's Exhibit AP-2-B		
			[1] 159/1		
			Government's Exhibit CDR-3-A		
			[1] 22/1		
			Government's Exhibit CELL-15-A		
			[1] 160/15		
			Government's Exhibit CELL-16-A		
			[1] 18/9		
			Government's Exhibit CELL-A		
			[1] 16/21		
			Government's Exhibit CS-2-15		
			[1] 79/5		
			Government's Exhibit CS-24 [1]		
			194/8		
			Government's Exhibit CS-3-16		
			[1] 181/19		
			Government's Exhibit CS-3-18		
			[1] 183/4		
			Government's Exhibit CS-3-2		
			[1] 178/5		
			Government's Exhibit CS-4-1		
			[1] 187/4		
			Government's Exhibit CS-4-2		
			[1] 187/19		
			Government's Exhibit CSLI-1		
			[1] 90/6		
			Government's Exhibit D-10 [1]		
			167/8		
			Government's Exhibit D-10-A		
			[1] 166/22		
			Government's Exhibit D-3 [3]		
			158/16 158/17 159/6		
			Government's Exhibit F-1 [2]		
			145/7 145/20		
			Government's Exhibit F-1-A [1]		
			145/15		
			Government's Exhibit IC-33 [1]		
			15/24		
			Government's Exhibit JAIL-1		
			[3] 25/22 162/2 184/2		
			Government's Exhibit MAP-34		
			[1] 143/14		
			Government's Exhibit MAP-36		
			[1] 75/6		
			Government's Exhibit MAP-8 [1]		
			153/20		
			Government's Exhibit MAP-9 [1]		
			152/22		
			Government's Exhibit SF-6 [1]		
			191/2		
			Government's Exhibit SW-3-A		
			[1] 164/12		
			Government's Exhibits [2]		
			13/15 87/16		
			GPS [25]	62/3 62/13 68/2 68/7	
			109/4 109/22 109/23 110/8		
			110/10 110/16 110/17 110/19		

<p>G</p> <p>GPS... [13] 110/25 111/2 111/9 111/10 111/12 111/16 112/2 112/16 112/17 112/20 112/21 112/23 113/3 GPS pings [2] 62/3 68/7 grabbed [1] 144/10 graded [2] 84/5 85/7 graduated [1] 82/11 Graham [6] 69/17 69/20 69/21 72/4 72/5 73/5 gram [1] 159/12 grams [2] 158/24 167/25 graphical [1] 122/10 gray [2] 153/5 158/5 graze [1] 182/12 grazed [1] 183/12 Great [1] 213/1 green [4] 91/1 123/25 135/23 185/1 Greenbelt [1] 86/10 Grimm [2] 73/4 73/20 Grimm's [4] 69/11 72/11 73/2 213/22 Grinnich [1] 157/12 ground [9] 43/2 78/19 78/20 144/11 148/16 149/4 176/10 186/6 209/25 group [3] 83/1 193/12 200/19 guess [11] 9/14 9/21 44/23 47/21 50/6 171/9 200/13 200/21 207/8 215/12 215/21 gun [23] 44/16 45/1 45/1 45/7 45/17 45/24 46/1 46/9 62/15 62/19 62/20 62/22 63/5 63/9 145/4 145/12 145/19 145/19 145/22 146/1 146/3 176/19 197/15 gunfire [1] 76/17 guns [1] 196/19 gunshot [1] 26/24 gunshots [4] 76/20 76/22 77/9 77/10 guys [1] 180/12 Gwynn [6] 182/19 183/3 183/17 183/21 205/2 205/24</p>	<p>137/25 138/1 142/11 151/21 hallway [2] 213/7 217/2 Hamid [13] 12/7 13/5 59/6 59/14 59/18 74/9 74/11 74/15 74/16 74/21 80/10 80/25 217/8 hand [12] 47/4 74/10 81/12 97/16 98/10 141/12 150/21 162/5 173/16 177/13 183/19 189/17 handcuffed [2] 144/11 148/18 handgun [4] 145/3 145/11 197/10 197/11 Hanging [8] 13/20 87/18 116/18 132/21 145/7 158/16 166/21 204/2 handle [3] 90/2 133/17 182/7 handled [1] 171/8 handling [1] 197/7 hands [4] 62/22 63/5 63/7 182/14 hang [3] 37/12 46/14 50/14 happen [5] 43/8 43/10 43/15 76/6 203/13 happened [27] 41/6 42/12 42/23 51/3 77/20 126/12 139/12 143/6 144/6 146/1 153/3 154/4 154/21 154/25 155/16 155/23 156/10 156/20 157/6 157/21 158/1 183/25 190/19 199/20 203/13 205/23 206/6 happening [1] 157/1 happens [1] 100/25 happy [5] 7/21 50/15 53/5 53/10 72/22 hard [3] 41/17 207/8 215/21 Harrid [5] 162/24 163/4 163/14 199/5 199/6 Harry [1] 2/7 Harry Trainor [1] 2/7 Hartley [2] 162/21 167/2 has [38] 3/16 3/25 5/4 5/8 5/9 6/22 9/3 9/4 9/10 9/19 9/24 10/11 10/12 15/25 44/7 52/6 56/22 73/21 74/8 81/2 94/4 109/22 109/25 112/16 118/14 125/7 127/7 127/11 128/9 130/20 133/25 158/14 160/15 167/25 179/22 184/1 203/22 214/16 hat [17] 12/4 12/6 12/24 58/8 58/11 58/13 58/15 58/15 58/16 58/20 59/1 59/3 59/8 80/3 80/6 80/7 80/17 have [156] 3/6 4/7 5/18 6/22 9/22 10/9 10/12 17/24 22/23 23/21 25/11 25/12 25/21 37/5 40/10 40/13 41/25 42/14 42/16 42/17 42/17 43/4 43/15 45/6 47/22 50/18 51/2 51/13 52/6 53/2 54/11 55/20 57/5 60/18 62/20 63/11 65/1 65/6 65/8 67/4 69/1 69/10 70/11 70/12 70/25 71/1 71/12 72/4 72/23 81/1 82/1 82/4 82/10 83/15 84/21 85/13 85/18 85/20 85/22 86/4 88/25 89/18 89/20 89/22 98/20 111/3 112/8 113/1 113/2 113/5 113/19 114/16 116/20</p>	<p>117/18 118/17 121/21 122/9 122/18 123/8 123/10 125/3 127/18 127/18 127/22 132/24 133/12 135/4 135/5 139/14 139/19 139/19 141/9 141/25 146/7 146/10 149/7 149/8 149/10 151/10 151/13 151/23 155/15 156/23 158/6 161/3 170/17 170/18 172/15 172/25 173/13 174/8 179/1 179/2 189/3 189/3 192/12 192/13 192/14 192/15 192/16 192/18 193/23 194/20 195/1 195/3 197/7 197/8 197/21 198/17 199/14 201/4 201/9 202/4 202/22 203/6 203/16 205/24 208/1 210/12 210/13 210/15 210/22 211/1 211/3 211/7 211/12 212/18 213/2 213/6 213/14 213/22 214/12 216/13 216/15 216/17 216/17 haven't [3] 8/12 40/2 136/11 having [6] 33/22 69/18 122/24 130/23 195/25 207/8 Hazlehurst [6] 2/9 51/5 146/13 146/19 202/12 202/18 HDMI [2] 65/14 65/15 he [135] 5/23 7/3 7/4 7/22 10/12 10/12 26/16 46/14 49/13 49/20 50/8 50/10 50/10 50/15 51/16 51/16 51/20 51/22 51/22 52/2 52/10 54/22 54/23 55/14 55/14 55/22 56/11 56/19 56/21 57/1 57/2 59/16 61/18 61/21 61/22 62/6 62/20 63/6 63/8 63/8 64/15 64/18 65/1 66/3 66/21 70/5 70/10 70/12 71/8 72/11 77/19 80/13 80/13 80/14 109/23 109/25 110/2 110/4 110/12 110/16 116/3 116/6 117/19 131/22 132/15 132/15 133/4 133/6 133/7 144/10 148/11 148/15 150/4 153/6 153/7 153/17 153/19 153/24 153/25 154/2 154/5 154/5 154/8 154/22 155/18 155/19 155/21 155/24 159/24 159/25 160/3 160/4 160/8 160/12 161/13 169/19 172/2 172/3 172/8 172/11 172/11 172/13 182/17 183/19 193/10 193/23 193/23 194/6 194/7 195/15 195/19 195/20 195/21 195/24 196/11 196/14 201/12 205/25 206/2 206/4 206/5 206/7 206/10 206/17 206/23 206/24 207/4 207/5 207/6 207/13 207/14 207/20 215/14 215/18 216/13 he'll [1] 72/20 he's [21] 5/3 50/11 50/13 50/14 63/6 64/24 66/12 66/13 66/14 70/15 70/20 111/7 111/8 116/2 116/5 116/8 116/10 116/11 193/12 212/21 212/22 head [4] 26/17 28/3 41/13 41/15 headsets [2] 51/2 51/3 hear [14] 26/15 66/10 66/17</p>
<p>H</p> <p>H-A-M-I-D [1] 74/16 had [74] 4/24 5/5 5/24 6/21 8/15 12/4 12/5 29/19 29/21 30/16 32/22 43/7 44/5 44/21 45/4 49/10 49/13 49/20 49/25 51/17 51/23 52/5 58/5 58/6 59/16 62/19 62/20 63/9 72/15 76/12 76/12 77/3 77/25 78/12 80/12 80/13 85/1 109/13 112/2 114/13 127/14 131/20 136/7 143/7 144/2 149/13 149/13 149/13 149/17 153/4 153/17 156/10 158/7 175/18 175/20 175/21 176/20 176/22 176/25 182/9 182/11 185/16 187/8 193/14 193/17 193/19 193/21 193/23 194/23 201/15 203/13 204/10 208/15 210/25 Hafer [2] 143/8 143/23 half [7] 55/8 55/9 126/18</p>		

H	H	H
<p>hear... [11] 108/13 184/18 184/24 184/24 185/2 195/14 195/21 195/24 196/11 196/14 212/25 heard [12] 8/13 72/24 76/19 76/20 76/21 76/22 77/5 77/6 77/6 77/8 77/9 77/10 hearing [5] 53/9 69/2 69/19 73/16 199/10 hearsay [9] 50/24 51/9 51/14 52/8 52/13 53/1 53/8 55/17 206/14 height [1] 119/21 Heights [2] 137/17 137/18 held [6] 46/1 69/22 72/5 72/8 145/18 148/23 help [2] 85/10 90/3 helped [1] 30/3 helpful [1] 213/11 helps [1] 85/15 her [4] 43/3 55/1 66/14 76/23 here [190] 3/10 4/1 4/17 5/2 5/3 12/16 12/23 12/25 17/1 17/10 17/19 18/15 18/16 20/15 20/23 21/22 22/3 22/13 22/16 22/19 23/23 26/2 27/24 28/12 28/15 30/7 30/21 39/10 40/13 40/20 45/9 45/18 45/19 46/5 47/14 48/18 50/25 55/20 56/13 66/7 69/15 70/3 70/14 70/22 70/23 71/14 75/10 75/22 78/16 78/18 78/23 79/6 79/8 79/9 79/10 81/25 82/12 82/19 86/8 87/4 90/17 91/9 91/13 91/15 91/23 91/25 92/5 92/14 93/13 94/8 94/22 94/24 95/5 96/6 96/7 96/9 97/7 97/16 97/18 97/21 97/24 98/6 98/24 99/7 99/22 100/3 100/8 101/9 102/1 102/11 102/24 103/18 104/9 104/25 105/18 106/13 107/1 107/16 109/21 112/25 117/24 123/6 123/17 124/24 125/7 125/12 125/23 125/24 126/8 127/19 128/5 128/12 131/14 131/23 131/24 132/3 132/12 132/13 133/22 134/14 134/18 135/23 136/3 136/5 136/7 137/12 137/14 137/16 137/19 137/23 138/2 138/5 138/6 138/12 138/15 138/19 139/8 139/8 139/20 145/16 145/19 152/23 153/21 159/2 160/18 162/4 164/13 164/16 164/24 166/10 166/15 177/7 177/15 178/15 178/23 179/4 180/5 180/16 180/22 181/5 181/7 181/20 182/1 183/5 183/9 183/16 184/5 187/5 187/20 188/3 188/6 188/25 189/6 189/10 191/3 191/15 191/17 191/25 192/7 192/21 193/7 194/10 195/7 195/25 196/22 206/6 212/2 212/22 213/4 213/16 here's [2] 125/24 131/23 hereby [1] 217/15</p>	<p>heroin [11] 5/25 158/8 158/25 159/12 166/2 167/24 167/25 171/23 171/25 172/2 172/3 Hi [1] 74/22 high [4] 127/18 144/5 153/6 153/25 high-rise [2] 153/6 153/25 highlight [2] 33/14 38/21 highlighted [8] 20/18 20/24 21/24 22/10 32/25 33/2 39/13 199/1 highlighting [2] 32/20 32/24 highway [1] 127/12 hill [16] 97/9 104/7 107/6 107/6 127/6 127/18 127/19 128/11 129/12 129/13 129/14 129/25 130/1 136/17 136/18 177/23 hills [1] 130/3 him [56] 7/9 10/2 32/7 49/20 50/1 50/1 50/4 50/9 51/10 51/11 51/25 54/21 55/1 55/3 56/5 56/8 56/14 56/18 57/1 57/2 57/6 58/3 62/19 63/5 80/5 86/23 110/3 110/24 110/25 111/19 111/22 116/11 144/8 144/10 144/10 144/11 144/11 144/14 148/13 148/16 148/18 154/7 159/21 160/1 160/4 160/10 169/16 172/7 192/13 193/24 194/20 195/22 201/10 201/11 206/23 212/20 himself [2] 45/4 109/21 his [49] 7/2 7/6 7/12 7/19 8/25 10/11 16/9 32/4 51/10 52/1 52/7 52/17 54/22 55/1 57/3 57/17 58/17 61/19 62/13 62/22 63/7 69/2 70/25 71/1 71/3 71/11 72/18 73/13 110/3 111/6 115/17 115/18 115/18 140/15 149/14 153/6 153/11 159/21 160/5 160/10 162/24 172/6 182/14 183/10 183/12 183/19 192/17 192/17 206/22 historical [3] 83/3 113/6 113/7 hit [4] 113/17 120/11 120/12 120/14 hitting [1] 105/24 Hoffman [1] 1/15 hold [1] 180/20 holding [3] 45/14 93/3 114/8 hole [3] 179/7 179/23 179/25 holes [7] 175/19 178/10 179/11 179/17 179/21 181/23 182/3 holla [1] 196/12 holler [1] 199/8 holster [2] 186/3 186/4 home [4] 43/5 75/5 76/13 76/15 homework [1] 84/4 homicide [24] 4/20 5/19 5/21 6/6 7/1 8/20 13/7 20/5 25/18 28/1 29/7 29/13 41/10 45/8 46/22 46/23 52/7 64/17 64/24 65/2 87/9 114/14 151/9 151/10 Homicide Unit [2] 151/9 151/10</p>	<p>homicides [2] 82/22 87/6 Honda [4] 165/24 165/25 175/17 176/3 Honda Accord [3] 165/24 165/25 176/3 honest [1] 210/19 honestly [1] 115/2 Honor [61] 3/4 3/5 3/8 4/12 4/17 4/23 5/20 8/4 10/5 10/22 28/24 50/22 51/19 52/3 63/11 63/17 63/19 67/7 67/11 68/23 69/14 72/9 72/22 73/19 74/4 81/10 86/16 108/3 108/25 109/16 109/20 116/15 117/2 122/24 133/12 133/24 140/7 140/10 140/22 147/16 150/8 150/19 160/24 161/3 168/5 172/19 172/21 173/1 173/14 198/1 202/13 203/24 206/16 207/15 211/17 211/22 211/25 212/17 212/19 214/13 215/3 Honor's [2] 214/24 215/23 HONORABLE [1] 1/11 hope [1] 65/16 hospital [11] 42/11 42/14 49/22 175/21 183/6 194/6 194/7 194/11 205/5 205/9 209/11 hour [2] 18/24 106/6 hours [9] 76/4 76/18 83/15 101/3 138/24 152/1 152/3 162/8 197/10 house [24] 43/3 75/10 75/14 75/21 76/7 77/3 77/12 77/15 77/18 77/24 78/9 78/15 79/9 79/19 79/24 80/4 80/12 80/13 80/14 163/18 165/11 167/6 167/18 167/21 houses [5] 43/2 79/12 79/20 209/6 209/8 how [51] 4/10 33/15 41/14 42/4 46/21 47/22 56/16 82/1 83/5 83/7 83/15 83/21 84/8 84/20 84/23 85/3 85/17 86/7 88/4 88/4 88/5 88/5 88/6 89/15 89/22 92/2 122/10 126/17 129/4 137/23 138/2 138/5 141/25 142/9 145/24 149/13 151/10 151/13 151/20 155/21 156/6 165/18 170/1 171/1 174/8 175/2 177/1 179/11 197/12 216/4 216/5 however [1] 41/5 huge [1] 129/25 huh [2] 121/14 184/23 hundred [4] 114/23 118/17 123/22 152/3 hundreds [2] 85/19 85/21 hypothetical [1] 111/16</p> <p>I</p> <p>I'd [7] 40/10 54/11 121/19 133/12 140/7 152/12 211/3 I'll [15] 3/9 7/9 27/22 35/5 39/6 48/18 53/12 66/24 81/2 108/6 108/14 117/6 158/9 179/14 212/25 I'm [183] 4/9 4/17 9/3 9/14 9/21 10/19 13/14 14/19 14/21</p>

I			Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 237 of 258		
I'm... [174]	15/1 15/11 15/24	16/10 18/14 21/15 24/20 26/10	144/17 157/7 204/16 205/11	138/6 138/6 138/7 138/13	138/16 138/19 138/20 139/1
16/10 18/14 21/15 24/20 26/10	26/13 27/4 28/11 32/9 32/12	32/16 33/18 33/22 35/2 35/22	identify [3]	21/16 89/10	139/8 143/18 143/21
36/10 40/5 40/12 43/10 43/21	45/13 45/15 46/19 47/1 47/1	47/3 49/7 50/22 51/1 51/8	153/8		indication [3]
51/15 51/18 53/5 53/10 56/1	56/8 57/1 57/3 57/9 62/25	63/16 64/2 64/11 64/23 65/4	identifying [1]	197/21	156/11
65/8 65/12 65/15 65/19 65/23	66/15 66/15 69/18 69/18 72/22	74/24 75/6 75/18 78/20 79/3	identity [1]	182/15	indicative [1]
79/5 81/25 82/22 86/23 87/15	88/4 90/6 94/1 94/4 94/5 95/4	97/20 97/21 98/14 107/4	illegal [1]	156/12	individual [11]
109/20 110/2 110/24 113/13	114/3 114/23 115/4 115/12	115/19 117/2 119/5 119/10	illustrate [2]	71/8 71/9	26/15 144/21 152/14 153/5
120/24 121/6 121/7 121/14	121/15 122/24 123/5 123/25	125/4 125/5 126/6 127/2	image [5]	75/8 78/16 79/6	153/8 158/23 171/13 192/10
134/18 142/3 143/13 143/14	144/20 145/6 145/15 146/14	147/19 151/9 153/12 153/20	159/3 200/14		193/8
154/17 155/4 158/15 159/1	160/16 162/9 162/11 162/25	166/9 166/20 168/10 172/24	immediately [2]	66/2 156/18	individually [3]
174/12 181/19 182/10 182/21	184/4 184/10 184/13 184/17	187/19 191/3 191/9 191/13	impact [1]	128/13	167/19
191/22 191/25 192/1 192/4	192/7 193/7 194/8 195/1 195/4	198/23 198/23 199/1 199/19	important [2]	90/14 205/18	individuals [14]
199/24 199/24 200/13 202/2	202/3 202/4 203/22 206/14	206/16 206/24 207/2 207/2	imposed [1]	215/24	14/20 20/8 35/19 143/10
207/4 207/8 212/18 213/12	215/3 215/7 215/7	I've [20]	impression [1]	71/16	144/13 170/2 170/21 175/5
71/6 72/24 73/1 73/1 80/22	85/25 89/16 113/15 125/16	139/19 139/24 197/14 201/11	incident [8]	46/11 80/23	176/22 182/15 192/22 200/18
201/11 214/5 214/10 216/15	IC [11]	15/24 16/11 16/12	161/5 170/18 175/11 196/21	204/4 208/24	indulgence [2]
27/15 27/16 27/18 27/18 27/23	28/11 28/18 29/6	IC-2 [2]	incidents [1]	161/14	32/14 39/24
28/11 28/18 29/6	IC-2 [2]	16/11 16/12	include [2]	18/5 73/23	inferences [1]
IC-69 [1]	27/23	IC-69-A [1]	includes [1]	134/4	3/18
IC-69-B [1]	28/18	IC-71 [4]	including [2]	6/4 39/17	information [38]
27/18	iCloud [7]	10/11 16/1 16/11	incoming [4]	18/17 18/18 19/1	6/3 6/11
27/15 27/23 29/5 30/4	iCloud account [5]	10/11 16/1	19/8		18/11 23/17 23/20 24/23 42/8
16/11 27/15 27/23	ID [1]	93/19	inconsistencies [1]	115/18	43/16 49/23 50/24 51/10 51/11
idea [6]	70/11 117/18 132/24	139/14 149/13 207/5	inconsistency [4]	115/25	51/25 53/8 53/14 54/23 55/16
identical [1]	72/12	identification [9]	116/3 116/6 116/7		55/21 55/22 56/22 60/13 60/14
52/14 87/16 117/4 147/20	152/4 203/23 215/14 215/20	identified [13]	inconsistent [4]	110/3 110/20	60/18 62/20 63/8 70/9 72/6
25/3 25/4 25/5 26/6 53/7 54/5			111/18 112/4		73/1 90/13 115/16 117/20
			IND [10]	14/21 15/1 15/11	117/22 118/2 118/16 141/1
			144/20 153/12 154/17 162/25	182/21 183/2 193/25	149/17 193/22 211/13
			IND-19 [1]	144/20	initial [2]
			IND-26 [1]	153/12	156/14 171/9
			IND-3 [2]	14/21 154/17	initially [4]
			IND-40 [1]	183/2	49/12 49/15
			IND-43 [1]	162/25	85/25 160/9
			IND-52 [1]	182/21	injured [5]
			IND-77 [1]	193/25	182/9 182/11
			IND-80 [1]	15/11	193/14 193/17 194/13
			IND-94 [1]	15/1	injury [2]
			indeed [1]	73/13	70/17 70/20
			INDEX [1]	217/5	inmate [4]
			indicate [15]	30/24 41/15	27/6 162/5 184/6
			52/18 72/18 72/19 78/16 90/21	93/18 93/21 93/22 95/10 130/2	184/7
			143/15 150/3 179/19		inquire [1]
			indicated [7]	40/4 40/16	52/10
			41/12 44/5 58/8 106/22 201/7		inside [15]
			indicates [3]	64/14 71/19	98/20 99/1 143/10
			93/19		144/12 156/1 156/16 157/8
			indicating [87]	12/16 12/17	158/6 160/4 163/13 164/5
			12/21 12/23 12/25 22/3 35/14		164/6 164/21 167/5 167/13
			45/14 45/18 45/19 47/11 47/11		instance [6]
			47/14 60/4 64/15 71/15 75/14		41/24 42/15
			75/15 75/21 75/22 78/18 78/21		44/21 45/25 49/25 50/4
			78/24 79/4 79/10 79/11 79/14		instances [1]
			97/17 97/18 97/22 98/17 124/1		10/19
			124/4 124/7 124/16 124/24		instead [2]
			125/7 125/12 125/18 125/23		128/19 213/13
			125/24 126/13 126/14 128/22		instruct [1]
			128/23 128/24 129/17 129/19		6/20
			129/20 129/20 129/21 129/22		instruction [1]
			129/23 129/24 131/14 132/21		7/21
			133/23 134/9 134/15 135/9		instructions [1]
			135/24 136/3 136/5 136/10		213/16
			136/17 136/25 137/6 137/12		insufficient [1]
			137/16 137/18 137/19 137/21		70/4
			137/23 137/24 138/2 138/3		intend [7]
					5/21 6/5 6/25 7/10
					8/12 8/21 110/5
					intended [2]
					5/18 6/25
					interactions [1]
					192/16
					interest [1]
					213/24
					interested [1]
					122/8
					interpose [1]
					4/16
					interpreting [1]
					86/5
					interprets [1]
					122/9
					intersection [3]
					154/7 209/9
					209/10
					interview [10]
					13/1 52/4
					52/15 55/18 59/13 159/19
					159/21 160/5 183/21 201/12
					interviewed [2]
					61/1 201/12
					intimidated [1]
					4/25
					introduce [7]
					6/25 7/7 8/12
					8/22 111/9 111/20 140/7
					introduced [1]
					10/9
					introducing [1]
					206/16
					invading [1]
					4/5

Case 1:16-cr-00267-LKE Document 1363 Filed 11/21/19 Page 238 of 258			
I	investigate [7] 55/4 55/6 56/2 144/16 174/12 175/11 185/8 investigated [5] 52/11 54/22 56/19 56/21 57/1 investigating [2] 51/16 90/13 investigation [22] 13/7 15/20 29/13 30/1 37/11 49/9 53/22 54/9 59/18 61/21 62/10 62/14 62/18 63/9 87/5 87/9 118/4 146/8 175/15 194/24 201/5 204/3 investigator [3] 55/15 82/7 167/17 investigators [1] 133/7 involved [7] 6/12 43/15 52/7 89/21 113/15 156/11 161/14 involvement [2] 146/8 198/18 involving [1] 6/12 Irvington [5] 47/18 47/23 49/1 49/4 91/11 is [562] isn't [6] 64/17 65/1 67/16 74/3 126/19 209/11 issue [12] 8/5 10/22 51/24 52/5 54/18 68/22 69/16 69/16 71/12 73/5 111/10 213/11 issues [5] 3/6 70/1 108/10 213/6 214/2 it [415] it's [131] 3/9 4/22 5/6 7/3 8/24 9/4 9/16 9/17 9/17 9/20 10/7 10/8 11/4 13/25 16/21 16/25 20/25 25/8 26/21 27/25 34/10 34/21 37/13 41/2 45/7 45/7 47/5 47/7 47/21 47/21 48/9 50/6 51/14 52/17 52/20 55/18 55/19 56/5 56/10 62/21 65/20 70/15 73/3 75/5 78/18 78/20 79/4 79/16 82/25 85/14 90/24 91/11 91/18 92/7 92/11 92/16 92/18 92/19 94/6 94/6 96/8 98/19 99/25 100/1 100/23 100/24 100/25 102/2 102/8 103/11 103/15 103/15 103/21 104/6 106/10 111/5 116/4 117/23 118/23 118/24 119/11 119/15 121/24 124/19 126/19 127/7 127/22 127/22 128/10 131/10 132/14 132/16 135/14 136/4 137/17 137/21 137/25 138/4 140/1 140/16 143/17 144/5 145/11 145/18 147/20 154/1 161/15 170/23 172/6 178/24 179/24 183/10 184/7 186/2 187/13 187/21 188/21 189/20 191/5 195/9 197/15 198/3 198/22 199/1 206/20 208/1 209/9 210/21 214/1 215/2 215/21 items [4] 164/8 166/7 167/5 167/13 its [6] 7/10 7/11 9/13 73/23 73/23 128/10 itself [6] 5/20 6/8 45/1 76/9 93/25 164/1	J-14 [3] 25/22 25/23 26/1 J-14T [1] 40/18 J-15 [1] 27/1 J-17 [2] 184/2 184/17 J-23 [2] 5/20 162/2 J-23T [1] 4/18 jacket [1] 9/20 jail [24] 4/18 4/22 5/17 5/20 6/2 6/6 25/22 25/23 25/24 27/1 40/17 65/10 66/18 66/20 66/21 161/2 161/6 162/1 162/2 162/3 168/10 174/13 184/1 184/2 jail call [13] 4/18 5/17 5/20 6/2 6/6 25/23 27/1 161/2 161/6 162/1 162/3 168/10 184/1 jail calls [3] 66/18 66/20 66/21 Jamal [4] 2/6 15/15 17/18 25/15 Jamal Lockley [1] 2/6 Jamal Smith [3] 15/15 17/18 25/15 James [24] 3/20 3/21 3/24 13/8 14/16 15/22 16/24 21/5 22/22 23/24 24/10 25/18 27/20 29/14 31/23 32/2 33/10 37/2 55/8 55/9 70/7 114/13 133/2 139/23 James Edwards [20] 3/20 3/21 3/24 13/8 14/16 15/22 16/24 21/5 22/22 23/24 24/10 27/20 29/14 32/2 33/10 37/2 70/7 114/13 133/2 139/23 James Edwards' [2] 25/18 31/23 jammed [4] 44/16 45/1 45/7 45/24 Jarmal [3] 162/24 163/4 163/14 Jarmal Harrid [3] 162/24 163/4 163/14 Jay [2] 117/15 117/17 Jay Williams [2] 117/15 117/17 jeans [5] 195/15 195/20 196/12 199/9 199/14 job [2] 203/9 203/12 Johnson [13] 182/17 182/23 182/24 183/6 183/21 193/20 194/13 194/19 205/3 206/4 207/3 207/18 213/25 joining [3] 82/6 82/9 174/15 Joint [1] 82/19 judge [8] 1/11 69/11 72/11 73/2 73/4 73/20 85/5 213/22 Judge Grimm [2] 73/4 73/20 Judge Grimm's [4] 69/11 72/11 73/2 213/22 July [6] 162/8 162/16 163/6 168/11 184/9 185/5 July 1st [1] 184/9 July 20th [2] 162/8 168/11 July 22nd [1] 185/5 July 31st [2] 162/16 163/6 jump [6] 129/9 129/14 162/11	184/13 185/4 191/8 junction [1] 10/23 junk [1] 10/24 juror [1] 6/22 jurors [1] 7/8 jury [31] 1/11 3/18 4/5 4/25 5/14 6/18 6/20 7/11 7/22 8/2 9/3 11/14 11/15 64/13 68/16 68/17 74/5 74/6 90/4 108/6 108/7 108/19 108/21 173/4 173/5 173/9 173/12 212/13 213/5 213/19 213/20 just [137] 3/11 5/5 5/11 5/13 6/17 11/4 12/4 16/8 19/21 23/17 23/23 24/23 25/1 25/8 26/5 27/25 28/2 29/5 29/12 31/12 31/14 32/23 33/6 33/23 34/14 40/12 40/19 44/18 46/19 47/5 51/14 51/22 52/25 55/17 62/21 65/7 65/21 66/10 71/7 72/19 76/16 77/2 77/21 77/22 77/23 78/1 78/3 78/6 78/8 78/9 79/2 85/14 86/2 87/24 88/13 88/14 88/22 89/3 92/21 93/2 93/5 93/6 93/6 94/5 94/18 97/5 97/9 97/12 97/13 98/21 99/2 100/18 105/14 106/14 106/18 107/8 108/10 110/16 110/22 115/4 115/24 116/10 119/5 120/17 120/18 123/13 124/4 126/19 128/15 128/20 135/14 140/16 140/22 142/24 143/7 143/12 147/2 151/12 153/1 159/5 162/5 162/9 164/1 171/2 174/10 176/3 177/20 179/5 179/19 180/20 182/2 183/13 184/5 186/4 187/14 187/25 191/3 191/3 192/5 193/3 193/7 195/7 196/20 196/20 198/12 200/14 201/10 201/19 206/24 207/11 212/18 213/4 213/6 213/10 214/5 215/5 215/13 K K-E-V-I-N [1] 173/22 K9 [6] 157/17 157/19 157/21 157/22 158/3 165/19 K9 unit [1] 165/19 KAZMAREK [6] 11/20 53/3 54/20 55/22 110/16 217/7 Kazmarek's [1] 8/7 keep [5] 43/7 74/17 88/8 140/17 213/17 kept [3] 34/14 78/6 78/8 Kernan [1] 209/11 Kernan Hospital [1] 209/11 Kevin [4] 173/15 173/17 173/21 217/13 KEVIN CARVELL [3] 173/17 173/21 217/13 key [2] 165/11 165/13 keyfob [2] 163/24 166/11 keys [1] 163/23 kicked [3] 45/20 45/25 46/6 kidnappings [1] 82/21 kill [2] 50/1 51/18 killed [9] 10/2 10/12 15/22 29/14 32/6 49/21 63/7 131/20

K	L	M
<p>killed... [1] 134/15 killing [2] 36/16 49/11 kind [48] 9/9 12/16 12/19 29/19 30/3 41/20 43/16 45/8 48/16 60/18 70/14 71/23 72/25 73/8 75/4 78/24 78/24 88/15 96/15 97/11 98/13 120/17 120/18 160/12 171/2 176/18 177/12 177/23 178/8 178/19 179/8 179/23 186/13 186/15 187/13 187/15 187/16 187/17 187/21 189/1 189/2 189/4 189/17 193/13 196/24 197/24 201/23 209/8 kinds [2] 197/22 197/25 knew [5] 37/20 56/4 77/3 77/24 80/6 knocked [1] 193/23 know [82] 3/21 5/9 12/19 13/24 15/12 15/16 37/18 37/20 40/1 41/20 41/23 42/7 42/10 42/21 43/12 44/21 44/25 47/22 47/22 48/7 49/14 49/14 49/23 52/2 60/24 62/17 62/18 63/4 70/2 70/15 70/23 76/20 77/2 77/6 77/21 78/6 80/6 80/8 80/10 88/4 88/6 92/18 101/2 108/1 111/5 113/1 113/5 114/11 118/22 118/25 119/2 128/1 128/3 128/25 129/1 130/7 130/23 131/9 132/10 132/12 132/13 138/8 138/9 139/13 154/11 168/24 170/5 187/13 189/14 193/18 196/1 199/3 199/5 199/15 200/8 200/12 202/1 202/2 208/17 215/21 216/1 216/12 knowledge [3] 110/1 211/4 211/13 known [5] 46/14 50/14 54/9 55/12 86/9 knows [2] 72/9 92/15</p>	<p>last [31] 4/23 5/6 6/12 8/9 18/9 18/14 20/21 21/1 21/10 21/12 21/13 24/13 26/22 44/14 48/18 58/4 58/5 85/19 86/3 88/22 91/16 103/25 104/1 107/4 107/17 107/22 113/16 133/2 133/4 149/16 173/22 late [3] 7/17 170/3 208/1 later [3] 153/8 162/16 169/13 Lauren [1] 1/15 Lauren Perry [1] 1/15 law [7] 81/24 84/15 141/23 142/4 151/6 157/14 174/5 law enforcement [7] 81/24 84/15 141/23 142/4 151/6 157/14 174/5 lay [2] 51/14 73/6 laying [6] 78/14 171/1 176/9 178/20 186/5 186/15 lead [2] 12/18 45/9 leading [3] 67/16 76/8 76/10 leads [2] 53/16 79/12 leak [1] 124/23 learn [17] 15/20 36/11 37/11 51/23 56/1 61/15 80/16 84/8 154/13 165/13 175/22 182/9 182/11 182/15 185/11 193/14 195/18 learned [12] 49/19 61/21 62/14 83/7 83/21 84/13 84/17 84/20 84/24 169/13 182/24 194/22 learning [1] 80/2 least [7] 113/7 186/8 199/10 205/23 207/6 209/13 214/16 leave [3] 207/1 207/11 213/16 leaving [2] 156/19 192/2 led [1] 55/3 Lee [6] 141/11 141/13 141/17 141/21 146/10 217/11 left [37] 12/1 26/5 27/19 47/4 68/17 80/16 91/2 94/18 96/24 97/16 97/21 99/21 100/16 101/20 102/4 102/14 103/2 104/20 108/7 153/1 155/25 173/5 177/13 178/2 178/3 178/9 178/13 178/21 179/23 181/23 183/10 183/19 185/21 187/14 191/1 193/13 200/21 left-hand [3] 47/4 97/16 177/13 legend [1] 48/1 less [3] 10/8 18/24 133/6 let [21] 6/16 11/8 22/2 29/12 32/23 33/23 40/19 47/4 108/1 113/24 113/25 123/6 123/10 135/14 138/22 175/22 180/4 191/19 192/19 192/19 192/21 let's [19] 4/9 29/5 31/6 33/14 35/12 37/22 41/22 41/22 44/15 45/11 65/16 123/13 123/17 125/11 127/11 134/8 137/14 169/9 199/17 letter [4] 131/14 214/6 214/19 215/13 Letters [1] 44/13 LETTS [1] 197/14 Lexington [1] 104/7</p>	<p>Lexus [8] 154/6 155/25 155/25 156/1 156/6 156/21 168/15 169/9 life [1] 80/22 light [3] 91/7 200/10 200/14 light-blue [1] 91/7 lighter [1] 193/12 lightning [1] 120/20 lights [3] 61/12 78/2 78/3 like [90] 4/4 5/10 9/4 9/17 9/18 9/20 10/1 10/25 23/23 25/2 34/10 41/20 41/24 42/23 45/4 46/6 47/21 47/24 49/17 58/4 60/17 60/18 61/5 61/11 61/12 61/13 61/18 65/19 70/15 73/9 76/17 76/17 76/22 77/3 77/8 77/25 78/1 78/4 78/5 78/6 78/9 78/10 78/12 78/13 78/23 78/24 78/25 79/1 79/3 79/17 79/19 79/20 80/5 89/17 89/17 98/20 100/22 108/24 110/7 113/17 116/24 118/15 122/10 123/22 123/23 124/11 124/15 130/4 131/3 132/14 133/13 133/20 136/13 137/11 137/15 140/7 144/4 150/17 170/4 171/4 171/13 172/4 176/1 179/23 185/24 186/14 187/7 197/13 201/18 202/22 likelihood [1] 69/23 likely [9] 32/6 45/10 51/21 69/5 126/19 128/18 128/21 131/16 137/8 limine [2] 69/2 73/17 limit [1] 69/2 limitation [1] 212/20 limitations [2] 215/8 215/16 limited [1] 216/13 limits [1] 73/23 Lincoln [1] 49/2 Lincoln Park [1] 49/2 line [7] 120/2 121/21 127/7 127/8 127/11 127/15 129/11 lines [5] 73/11 94/5 124/9 124/10 124/10 link [1] 79/17 linked [1] 118/8 list [4] 5/22 18/16 22/20 89/6 listed [5] 17/20 114/18 114/21 141/1 165/25 listen [6] 43/1 65/5 65/19 65/22 66/7 121/6 listened [7] 40/17 43/19 43/22 64/3 168/11 195/2 198/17 listening [1] 64/6 lists [2] 89/9 132/13 literally [1] 80/23 little [27] 3/11 6/16 7/17 18/24 35/5 35/6 39/6 50/18 51/24 51/24 52/5 64/6 69/18 71/14 75/21 90/20 104/11 124/7 127/23 127/23 148/23 175/22 175/24 183/11 185/12 186/1 215/7 Little Montana [4] 50/18 51/24 51/24 52/5 live [6] 44/15 59/22 60/5</p>

M	Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 241 of 258	mid [1] 68/15 mid-morning [1] 68/15 middle [5] 7/1 100/23 193/11 193/11 193/13 Midway [2] 97/7 97/11 might [12] 42/11 42/17 43/5 44/22 46/8 72/23 88/15 172/24 196/24 197/25 204/24 205/22 miles [6] 126/18 137/25 137/25 138/1 138/4 139/5 Mill [24] 46/12 48/19 91/8 94/13 94/18 95/1 95/15 95/25 99/4 99/5 100/1 100/2 101/23 134/10 134/22 143/2 155/6 156/22 174/25 175/12 175/17 177/9 185/9 187/6 Mills [2] 117/16 162/22 mind [4] 75/14 97/12 143/15 213/17 mine [1] 172/6 minute [5] 41/22 64/12 127/15 135/3 137/3 minutes [21] 14/20 26/10 32/10 126/15 127/25 128/8 128/24 133/6 154/23 156/7 156/8 162/11 184/11 184/13 191/8 191/13 191/20 191/22 191/25 192/4 193/5 Miranda [1] 159/22 Miranda rights [1] 159/22 misaligned [1] 125/9 mischaracterization [1] 62/2 mischaracterized [1] 170/5 misplaced [2] 96/18 97/15 missed [2] 67/22 67/25 missing [1] 70/23 mistaken [1] 9/4 MMP [2] 6/5 6/5 Mobile [2] 84/13 117/14 modified [1] 28/18 mom [3] 77/18 77/23 79/24 moment [7] 13/6 26/5 65/13 108/13 116/20 172/24 196/20 moments [1] 193/6 Monday [1] 1/8 money [3] 50/8 50/10 164/3 monitor [5] 10/25 11/1 11/2 68/3 109/4 monitoring [5] 61/16 109/8 109/9 168/25 169/4 Montana [4] 50/18 51/24 51/24 52/5 Montgomery [1] 86/12 Montgomery County [1] 86/12 month [2] 88/7 152/12 months [8] 89/7 89/8 136/8 142/1 151/15 162/16 168/15 201/4 moot [2] 84/25 85/4 more [23] 6/16 10/20 10/22 27/22 31/23 36/25 47/8 70/17 76/20 83/24 85/15 87/8 126/19 128/18 128/21 135/4 140/2 161/4 178/24 186/13 189/2 189/4 197/15 more-advanced [1] 83/24 morning [20] 3/3 3/4 3/5 11/24 11/25 29/3 29/4 30/8 39/18 63/25 64/1 64/4 68/15	76/4 76/18 96/18 163/7 163/11 213/12 213/18 most [10] 56/22 85/11 85/20 88/10 111/15 119/15 131/16 136/10 136/12 137/8 Mostly [1] 88/3 mother [2] 79/22 79/22 motion [11] 8/9 8/14 10/20 69/1 69/2 73/16 73/17 212/18 214/8 215/20 216/21 motions [1] 72/17 motive [1] 51/17 Mount [1] 47/23 Mount Royal [1] 47/23 move [7] 3/11 29/19 53/12 80/19 105/11 140/18 192/4 moved [8] 46/6 59/16 104/6 128/4 128/5 128/22 128/23 138/19 movement [1] 95/23 movements [1] 61/19 moving [13] 95/1 95/25 101/1 103/14 103/15 104/4 104/11 107/20 126/25 128/2 128/4 128/14 128/25 Moyé [4] 6/21 11/9 133/25 217/2 Mr. [200] 4/21 4/22 5/8 5/24 5/24 5/24 6/8 6/9 6/13 6/13 6/18 8/9 8/16 8/17 8/25 9/7 10/7 10/11 10/13 10/15 12/22 13/9 14/2 14/19 15/7 15/16 16/8 18/23 19/20 19/21 19/25 20/4 20/5 20/11 20/13 21/9 21/13 21/17 21/18 22/17 23/1 23/4 23/11 24/2 24/4 25/4 25/5 25/12 25/13 26/20 31/22 33/6 35/23 35/24 36/14 36/16 37/12 37/12 37/24 37/24 38/9 38/19 39/1 39/7 39/10 39/11 39/15 41/1 46/12 49/11 49/20 50/17 51/5 51/18 51/18 51/23 52/6 52/16 52/19 52/21 53/7 53/13 55/7 56/17 56/19 56/25 57/2 57/14 58/5 58/5 58/9 58/14 58/16 59/6 59/14 59/18 61/15 62/11 62/15 62/19 63/5 63/19 63/20 64/14 65/14 66/3 66/19 67/6 67/15 67/16 68/3 68/8 69/13 112/9 115/19 118/9 130/17 131/6 131/20 132/6 134/15 136/1 136/16 138/12 138/24 139/3 139/4 139/22 140/5 140/15 144/25 145/2 145/12 146/2 146/5 146/13 148/9 149/4 149/7 149/10 149/13 149/19 149/23 153/17 153/24 154/10 154/20 155/17 156/9 156/17 159/19 159/24 160/6 160/9 161/9 161/10 161/12 168/16 168/16 168/21 169/14 169/22 171/22 171/25 183/21 183/21 192/12 192/14 192/16 192/23 193/4 193/9 193/20 193/22 194/2 194/3 194/11 194/12 194/12 194/13 194/15 194/18 194/18 194/19 194/20 195/18 199/14 201/8 202/12 205/24 206/4 207/3
maybe... [6] 110/22 156/7 161/21 170/5 210/19 213/6 me [61] 6/16 7/17 11/8 22/2 29/12 31/14 32/23 33/9 33/23 36/25 40/14 40/20 47/4 47/8 47/15 49/23 52/20 53/6 53/14 56/7 63/2 65/7 65/12 66/14 66/17 72/4 80/6 85/15 89/25 92/5 93/6 93/6 100/23 108/1 113/24 113/25 118/2 118/6 123/6 123/10 129/21 135/14 137/11 138/22 139/14 139/15 140/17 159/2 160/4 175/22 177/7 180/4 184/6 184/25 191/19 192/19 192/19 192/21 200/4 213/11 214/5 mean [41] 7/16 9/15 9/16 9/17 29/21 30/2 36/17 40/14 40/14 41/21 42/7 42/8 42/23 45/16 45/19 46/10 47/1 50/2 50/6 50/16 52/25 56/6 56/16 61/12 70/17 71/6 110/21 111/15 111/20 113/24 118/14 124/17 128/15 131/15 133/14 140/1 143/12 168/24 171/2 215/12 215/21 meaning [5] 41/9 55/14 73/10 168/24 169/3 means [6] 56/12 61/18 70/9 94/4 131/16 215/8 meant [3] 73/5 73/7 203/3 media [6] 5/11 5/12 8/10 8/11 10/19 10/20 Medley [5] 69/11 73/3 73/20 213/23 214/3 meet [3] 55/11 55/11 120/16 member [10] 5/1 5/10 6/10 6/14 42/11 56/3 82/22 83/5 85/9 87/3 members [7] 6/5 43/5 49/6 49/7 49/10 84/5 85/8 memorandum [2] 73/2 214/9 memos [2] 69/10 73/1 mentioned [15] 9/6 37/23 79/21 88/12 92/21 119/23 120/12 161/18 165/11 176/22 178/10 186/7 186/19 194/12 196/23 merely [1] 206/17 message [1] 90/2 messages [11] 3/20 4/13 14/13 20/12 21/8 24/9 25/2 25/3 25/11 67/15 88/5 messed [1] 42/4 met [2] 192/12 192/13 metadata [1] 28/12 meter [1] 113/17 meters [1] 113/19 method [1] 73/22 methods [2] 112/25 113/8 mic [3] 3/11 134/1 135/5 microphone [6] 74/13 81/16 140/15 141/15 150/23 173/19 Microsoft [3] 85/11 85/12 85/13 Microsoft Excel [1] 85/11 Microsoft Word [1] 85/13			

Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 242 of 258

Mr.... [8]

207/18 212/18

215/15 215/16 215/24 215/24

216/17 216/17

Mr. Bailey [43]

4/22 5/8 5/24

6/8 6/13 8/9 8/17 8/25 9/7

10/11 10/13 10/15 16/8 25/13

31/22 35/24 36/14 37/12 37/24

51/18 61/15 62/11 68/8 136/1

136/16 138/12 139/3 139/4

159/19 159/24 161/9 161/12

168/16 169/22 171/22 192/12

192/14 192/16 192/23 193/4

193/9 199/14 201/8

Mr. Bailey's [9]

8/16 19/20

20/4 25/4 39/11 67/15 68/3

138/24 139/22

Mr. Banks' [1]

23/11

Mr. Chicken Box [2]

5/24 6/9

Mr. Davis [15]

63/19 63/20

65/14 67/6 144/25 145/2

145/12 146/2 146/5 148/9

149/4 149/7 149/10 149/13

149/23

Mr. Davis' [1]

149/19

Mr. Edges [18]

4/21 5/24 6/13

6/18 153/17 153/24 154/10

154/20 155/17 156/9 156/17

160/6 160/9 161/10 168/16

168/21 169/14 171/25

Mr. Edwards [24]

10/7 13/9

14/2 18/23 25/12 35/23 37/12

37/24 46/12 49/11 49/20 50/17

51/18 51/23 58/5 58/5 58/14

62/15 62/19 118/9 130/17

131/6 131/20 134/15

Mr. Edwards' [30]

12/22 14/19

20/5 20/11 20/13 21/9 21/13

21/17 21/18 22/17 23/1 23/4

24/2 25/5 26/20 33/6 36/16

38/9 38/19 39/1 39/7 39/10

39/15 41/1 57/14 58/9 58/16

63/5 67/16 132/6

Mr. Enzinna [5]

69/13 112/9

115/19 140/5 140/15

Mr. Frazier [3]

64/14 66/3

66/19

Mr. Gibbs [5]

55/7 56/17

56/19 56/25 57/2

Mr. Gwynn [2]

183/21 205/24

Mr. Hamid [3]

59/6 59/14

59/18

Mr. Hazlehurst [3]

51/5

146/13 202/12

Mr. Johnson [6]

183/21 194/13

194/19 206/4 207/3 207/18

Mr. Lamont [1]

215/24

Mr. Lamont's [2]

215/16

216/17

Mr. Pollock [2]

194/12 194/18

Mr. Sheppard [2]

193/22

194/20

Mr. Shird [8]

193/20 194/2

194/3 194/11 194/12 194/15

194/18 195/18

Mr. Smith [1]

15/16

Mr. Wagster [4]

212/18 215/15

215/24 216/17

Mr. Wedlock [9]

15/7 19/25

24/4 52/6 52/16 52/19 52/21

53/7 53/13

Mr. Wedlock's [1]

19/21

Ms. [24]

6/21 10/20 11/9 13/5

28/23 34/17 51/12 53/19 55/20

55/20 57/5 74/9 74/21 80/25

111/25 133/25 163/15 168/4

198/11 214/7 214/18 215/3

215/4 217/2

Ms. Belote [1]

55/20

Ms. Fatima Hamid [2]

13/5

74/9

Ms. Hamid [2]

74/21 80/25

Ms. Moyé [4]

6/21 11/9 133/25

217/2

Ms. Perry [1]

111/25

Ms. Rhone [1]

163/15

Ms. Sabrina Belote [1]

57/5

Ms. Whalen [11]

28/23 34/17

51/12 53/19 55/20 168/4

198/11 214/7 214/18 215/3

215/4

Ms. Whalen's [1]

10/20

much [23]

33/15 68/11 71/3

80/24 80/25 81/5 85/15 88/4

88/5 88/5 88/6 89/17 100/1

124/14 141/5 172/20 202/9

206/5 207/13 207/14 207/18

211/24 213/19

multiple [3]

85/20 113/18

127/1

mundane [1]

10/22

murder [18]

16/24 18/23 22/17

26/20 67/16 67/19 68/8 70/7

76/9 76/9 76/10 80/19 123/14

132/6 135/11 135/13 139/4

139/23

murdered [1]

76/7

murders [1]

82/22

mushroomed [1]

188/24

must [2]

73/22 78/10

Muth [10]

186/2 186/2 189/11

189/13 189/19 190/25 190/25

191/5 193/2 196/7

Muth Street [9]

186/2 186/2

189/11 189/13 189/19 190/25

191/5 193/2 196/7

my [64]

4/3 4/19 7/3 9/22

10/2 10/23 10/24 22/2 33/22

42/7 42/7 45/14 45/14 47/5

51/22 52/18 54/12 62/10 74/15

76/2 76/2 76/7 76/11 76/21

76/21 77/10 77/17 77/18 77/18

77/19 77/23 78/15 79/13 79/13

79/19 79/23 79/24 80/5 80/11

80/22 83/11 92/4 92/6 92/14

92/15 120/23 121/6 121/18

123/7 124/21 125/7 128/3

146/19 153/22 154/3 156/14

156/15 171/22 171/22 171/25

172/4 173/21 202/18 213/7

Myself [1]

143/7

150/24 153/11 162/5 162/24

169/7 173/20 173/21 173/21

173/22 182/19 199/3 202/4

214/18

name's [1]

202/18

named [7]

12/7 80/10 192/10

193/19 193/19 193/20 193/22

names [2]

54/7 193/18

narcotics [4]

151/18 151/20

151/21 167/16

nature [4]

5/7 175/15 214/21

215/17

near [15]

78/15 91/9 94/25

96/24 97/7 99/24 104/6 106/9

136/17 174/25 175/12 185/9

186/16 189/14 196/8

nearby [1]

45/10

nearest [1]

69/24

nearly [1]

72/12

necessarily [1]

212/23

necessary [1]

7/17

necessity [1]

73/23

need [12]

5/13 65/16 70/17

70/19 70/22 72/8 88/4 124/6

124/9 134/19 215/22 216/13

needs [1]

116/6

neighborhood [5]

42/16 47/24

48/16 91/10 209/4

network [9]

84/10 84/17 84/19

84/20 88/8 88/9 88/17 88/18

121/13

networks [2]

121/13 122/22

never [8]

32/4 42/13 43/7

43/13 57/23 139/24 149/1

149/23

new [5]

53/13 89/2 89/3

213/25 214/1

New York [2]

213/25 214/1

next [31]

57/7 58/5 68/22

68/24 69/4 79/25 91/22 95/4

96/5 96/17 97/13 97/14 98/5

98/12 99/16 99/17 101/8

101/25 102/10 105/23 119/12

128/23 138/15 154/4 154/21

155/2 155/14 155/23 176/10

179/7 189/3

Nice [1]

208/4

Nick [10]

15/10 33/2 36/13

38/23 39/4 64/15 65/1 65/24

66/16 66/19

Nick's [1]

64/17

nickname [5]

15/6 15/16 17/17

153/17 153/19

night [10]

20/5 76/6 76/16

80/3 84/4 99/25 130/9 138/23

138/23 195/19

nine [4]

82/2 172/11 172/13

176/12

Nissan [4]

163/23 163/24

165/14 165/16

Nissan Altima [1]

165/14

Nizz [10]

17/20 17/22 25/13

26/6 32/22 36/9 36/13 38/6

39/22 40/8

Nizzy [3]

6/10 6/14 161/13

no [151]

1/4 3/25 9/8 21/11

23/3 23/10 25/20 26/25 29/18

30/11 30/11 30/17 31/12 31/20

31/20 31/24 32/5 33/17 34/7

Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 243 of 258

N
no... [132] 34/9 44/3 46/3
46/18 49/13 49/18 53/12 54/3
54/4 57/22 57/25 58/14 58/21
59/2 59/19 60/21 60/23 60/24
61/1 61/2 61/4 61/5 61/7 61/8
61/9 62/3 62/13 62/20 62/20
63/6 63/8 63/8 63/14 64/25
66/2 66/20 66/23 67/3 67/4
67/9 67/20 68/7 70/9 72/24
80/9 80/18 81/4 86/21 94/4
99/14 106/1 106/5 108/12
110/19 117/18 117/23 118/6
118/6 118/22 118/22 119/10
120/23 121/2 122/14 130/5
130/13 132/9 132/11 132/24
133/1 138/10 139/2 139/14
139/14 139/18 139/18 140/3
140/4 140/10 140/14 146/9
146/10 148/11 149/3 149/7
149/9 149/10 149/12 149/13
149/15 149/25 150/1 150/2
150/5 150/6 150/7 150/8
150/11 150/13 154/12 156/3
156/5 161/22 170/10 170/22
171/7 172/17 172/19 176/25
183/24 185/18 185/18 186/4
198/19 198/21 198/23 199/15
200/2 202/6 206/6 207/19
207/22 208/22 209/6 209/8
209/8 211/4 211/13 211/17
211/20 211/22 214/13
No. [1] 73/3
nobody [2] 187/10 196/1
none [5] 42/20 51/2 61/1
118/13 118/15
nonetheless [1] 148/13
north [17] 94/16 94/20 95/13
95/21 96/15 99/5 102/9 103/4
104/5 104/6 105/4 105/8 107/5
128/6 136/18 143/4 203/19
North Forest Park Avenue [2]
143/4 203/19
northern [3] 1/2 98/24 128/7
northwest [6] 102/17 107/6
126/1 128/6 128/9 135/23
not [160] 4/10 5/15 5/21 6/4
6/18 6/22 6/22 8/21 9/3 9/11
9/14 9/16 9/17 9/24 10/6 10/7
10/7 10/19 11/3 16/2 26/12
27/11 29/7 29/16 31/9 31/10
31/14 31/19 31/20 31/22 34/10
36/6 41/8 41/9 42/19 43/10
43/15 45/15 45/25 46/16 47/1
49/16 50/6 50/14 50/15 50/25
51/10 52/8 52/9 52/10 52/18
53/1 53/3 54/20 56/13 56/15
58/20 59/23 60/8 61/21 62/13
63/8 64/8 66/8 66/25 68/24
69/25 70/25 71/15 71/17 72/8
72/18 80/9 92/23 93/4 109/20
110/5 110/11 110/20 111/9
111/12 111/14 112/25 113/5
114/6 114/10 114/23 115/19
116/3 116/4 116/8 117/22
117/23 118/23 119/15 119/17
120/3 120/21 121/3 121/6
121/24 122/15 122/21 124/1
124/7 124/9 124/10 124/18
129/4 132/9 132/11 139/25
141/3 144/8 156/16 162/10
162/13 170/18 170/23 171/22
177/17 178/7 182/6 184/12
184/15 192/20 193/12 194/18
194/18 194/21 195/12 198/24
199/4 199/7 199/14 199/19
199/24 199/24 200/2 201/16
202/2 202/3 202/19 203/3
205/10 206/16 206/20 206/24
206/24 207/2 207/2 207/4
207/20 207/22 208/7 211/6
212/21 212/23 215/2 215/8
note [6] 52/3 52/17 52/18
73/20 130/6 198/1
noted [1] 215/20
notes [5] 54/12 55/1 55/12
55/13 213/16
nothing [10] 28/21 67/6
109/22 112/8 139/15 168/3
190/18 190/20 198/8 206/5
noticed [2] 176/8 214/16
notification [1] 211/4
notified [2] 3/14 211/3
November [1] 217/21
now [150] 7/18 13/6 14/19
16/20 17/10 20/21 21/8 21/15
22/1 23/7 24/20 25/17 26/2
27/1 27/13 28/4 30/20 32/9
32/16 33/9 33/25 34/7 35/2
36/6 37/11 40/16 41/1 41/8
41/17 43/19 43/20 44/4 46/12
46/21 48/4 48/18 48/23 49/1
49/4 51/6 56/9 57/3 57/13
58/8 59/8 60/13 60/17 61/15
62/14 64/11 64/17 66/10 67/2
88/12 88/21 88/23 89/9 90/10
90/16 91/12 93/17 96/10 97/12
99/6 100/7 101/25 103/17
104/8 104/24 105/17 108/3
113/22 115/7 115/12 117/6
117/22 118/7 118/19 119/16
123/17 125/5 125/12 129/3
129/3 130/2 130/8 131/8
131/13 132/5 133/10 134/8
135/18 136/7 136/14 138/22
147/4 147/13 148/8 149/1
149/7 152/5 153/20 155/4
157/13 158/15 159/8 159/13
160/14 162/15 165/11 166/18
167/8 167/16 168/21 169/9
170/17 177/14 178/15 178/22
179/9 180/7 180/15 181/13
183/2 184/1 184/13 185/1
185/4 186/7 189/10 191/8
192/1 192/4 193/5 193/14
194/12 194/22 195/7 195/18
196/6 196/20 197/24 200/18
201/15 202/19 203/16 203/22
204/10 207/23 209/19
nowhere [1] 144/9
number [124] 3/9 3/13 3/14
3/14 4/4 4/6 4/6 4/9 8/16
8/25 9/3 9/5 13/8 13/12 14/16
15/21 16/9 16/12 16/14 16/16
16/18 16/19 17/4 17/6 17/8
17/9 17/13 17/15 17/22 19/16
19/17 19/25 20/13 20/18 20/19
21/9 21/10 21/24 22/3 22/5
22/7 22/10 22/21 22/21 23/9
23/11 23/25 24/1 24/2 24/2
25/4 25/4 25/5 25/5 25/19
26/3 26/6 30/7 31/6 31/7 31/7
31/21 31/23 32/16 32/22 33/2
33/5 33/17 35/23 35/23 36/7
36/8 36/12 36/13 36/14 36/19
36/19 36/22 37/23 37/24 38/3
38/3 38/6 38/6 38/9 38/9 40/8
40/9 40/9 60/14 67/15 67/16
69/14 89/20 89/21 93/7 93/15
93/19 93/20 94/11 94/17 95/6
95/12 96/7 96/8 100/8 104/2
104/9 106/15 106/16 107/18
107/24 117/13 118/8

O			Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 244 of 258		
off... [12]	136/16 138/25	189/11 191/21 198/10 198/20	100/2 101/1 104/18 106/1		
140/15 143/17 177/13 177/13		199/17 199/21 200/11 200/18	106/18 118/19 121/18 121/19		
178/1 178/3 178/20 185/16		201/1 201/5 201/7 201/14	124/18 128/16 129/5 135/18		
189/12 191/7		202/4 202/22 203/16 205/16	140/13 143/22 144/12 146/7		
offer [2]	86/16 117/2	205/24 207/8 208/12 208/14	149/23 161/21 169/2 169/24		
offers [1]	6/3	208/18 208/21 208/23 209/4	170/2 182/13 186/19 187/15		
office [4]	82/12 82/15 121/15	209/13 209/24 211/24 212/24	187/16 187/22 188/2 199/5		
213/7		214/25 215/4 215/11 216/4	201/18 207/23 213/6 215/18		
officer [25]	49/22 56/4	216/15 216/23 216/24	others [3]	40/12 58/12 85/22	
141/13 141/21 142/3 142/16		old [4]	89/17 89/17 133/16	Otherwise [2]	51/14 213/14
143/8 143/8 143/23 143/23		170/1		ought [2]	71/21 111/15
145/4 145/5 146/1 146/10		old-school [1]	133/16	our [24]	3/16 5/10 5/22 10/5
146/17 146/21 149/16 150/20		once [5]	146/1 154/25 157/3	10/10 10/25 55/19 63/9 72/2	
156/22 157/7 180/9 203/6		157/21 157/22		72/3 72/17 77/3 77/24 80/24	
205/12 207/4 207/14		one [93]	3/25 4/16 8/5 8/16	84/2 84/13 84/20 84/22 85/13	
Officer Brown [4]	143/8	9/2 9/4 9/6 10/22 18/17 19/8		110/5 120/25 122/6 159/4	
143/23 145/5 146/1		21/10 23/11 26/16 27/2 31/6		216/12	
Officer Hafer [2]	143/8	34/23 40/19 44/18 44/22 59/9		out [83]	11/1 18/24 30/3 36/6
143/23		59/10 60/4 69/4 69/5 69/16		37/12 41/18 41/18 42/6 42/10	
Officer Lee [2]	141/21 146/10	75/15 83/11 83/25 84/1 84/11		42/15 42/20 43/4 43/7 43/12	
Officer Scott Young [1]		84/19 86/14 90/20 92/11 92/19		44/2 45/4 45/16 49/16 50/14	
150/20		93/20 93/24 98/19 101/1		50/17 52/7 59/16 62/22 63/5	
officers [4]	54/13 83/1	103/12 105/6 107/16 107/17		65/21 72/3 74/1 76/6 77/3	
143/22 176/3		107/20 113/23 119/13 126/4		77/7 78/1 78/5 78/6 78/17	
Official [2]	1/24 217/21	126/13 126/14 127/5 128/1		78/21 79/2 79/2 79/13 79/15	
often [3]	56/22 72/9 175/2	128/19 128/22 130/17 132/1		80/1 80/6 82/15 83/9 84/22	
oh [12]	4/11 41/25 42/10 46/6	136/12 137/3 140/22 149/16		84/23 85/2 85/3 86/14 88/24	
49/24 57/23 63/16 75/21 123/2		155/1 156/7 158/13 160/14		94/2 116/2 124/11 124/23	
132/8 133/4 133/14		160/22 164/5 169/19 179/25		129/1 142/3 143/11 144/12	
okay [200]	4/8 6/7 6/16 8/6	179/25 180/18 180/23 182/7		155/24 157/22 160/12 169/19	
9/1 9/14 10/4 10/16 11/2		182/12 182/17 184/18 188/10		170/8 171/5 172/7 175/16	
12/14 18/14 24/7 29/12 30/4		188/10 189/3 189/22 193/12		175/20 179/1 179/2 179/7	
30/12 32/16 32/25 33/14 34/21		193/13 195/2 195/14 196/21		179/22 180/10 183/20 184/25	
34/24 37/18 37/22 38/2 38/5		198/23 198/23 198/25 200/4		187/8 188/24 193/2 195/15	
40/12 41/3 43/9 43/19 43/25		200/19 201/11 209/6 209/8		199/17 200/5 203/12 204/21	
45/13 45/22 46/4 46/19 46/24		211/6 214/15		204/23 208/4	
47/8 47/20 49/16 49/19 49/24		ones [4]	40/14 57/15 61/12	outer [1]	187/9
50/17 51/5 55/16 57/9 57/17		188/8		outgoing [6]	18/17 19/2 19/3
57/20 58/4 58/22 58/25 59/6		only [11]	5/14 13/15 26/22	19/9 19/10 133/3	
61/2 61/5 61/14 62/7 63/21		40/14 73/13 87/16 92/24 117/4		outside [6]	76/7 76/22 77/7
65/8 65/17 66/7 68/19 69/4		169/19 191/9 200/12		121/4 187/8 190/19	
69/8 71/4 71/7 71/25 77/22		open [2]	79/18 213/17	outweighed [1]	9/13
77/23 86/19 86/22 96/5 98/14		opens [1]	5/14	over [35]	10/23 12/13 12/23
99/17 108/4 108/13 108/15		operating [1]	197/7	12/25 15/20 22/19 26/2 28/15	
109/17 109/19 111/23 113/22		opinion [9]	69/11 72/11 72/14	54/7 65/8 79/17 83/17 88/19	
114/11 115/1 115/12 116/9		73/2 73/8 86/24 179/11 213/22		89/5 97/10 97/17 97/21 101/18	
116/12 116/13 116/24 118/7		214/3		101/19 110/17 113/25 121/5	
118/19 119/8 120/11 120/16		opportunity [3]	17/24 216/1	122/22 127/11 127/14 127/17	
120/19 121/9 121/14 122/1		216/14		129/14 133/22 138/15 155/18	
123/2 123/17 124/6 124/20		opposed [1]	121/18	156/24 162/4 186/20 192/16	
125/1 125/3 125/11 125/17		opposite [1]	155/19	195/7	
125/17 126/19 127/3 127/5		opposition [1]	214/10	overall [4]	126/22 128/15
127/13 127/21 129/3 131/8		orange [2]	32/25 180/9	159/3 189/1	
131/17 132/12 133/6 133/10		order [6]	51/13 73/2 84/16	overkill [1]	5/6
134/8 134/18 134/22 135/18		87/24 88/25 113/2		overlaid [1]	106/15
136/14 136/14 136/20 137/5		ordinary [1]	76/6	overlaps [1]	124/18
137/11 137/14 137/15 137/21		orient [1]	191/3	overpowered [1]	62/19
138/5 138/11 138/22 139/3		orientation [1]	177/20	overrule [1]	73/16
139/7 139/12 139/21 143/21		originally [1]	74/23	Overruled [3]	62/24 64/20
147/13 147/16 148/8 148/13		originates [1]	138/12	198/2	
148/15 148/20 148/23 149/4		other [77]	3/21 4/16 5/4 5/9	owed [2]	50/8 50/10
149/7 149/16 149/21 149/23		6/5 8/5 14/20 20/8 23/4 29/20		Owings [2]	117/16 162/22
161/17 166/24 168/14 169/2		29/21 31/18 33/11 33/16 36/14		Owings Mills [2]	117/16
169/7 170/5 170/8 170/11		36/15 37/6 40/2 40/6 41/18		162/22	
170/17 170/20 170/25 171/8		42/8 43/19 43/22 44/13 51/17		own [5]	85/13 88/8 88/9 118/4
171/13 171/16 172/4 172/16		51/18 52/11 53/11 54/13 54/19		214/17	
173/6 173/11 177/14 179/5		55/6 56/8 56/11 56/13 57/13		owner [1]	211/2
		57/14 58/12 58/25 59/18 72/22			
		85/5 86/19 89/21 90/13 91/20			

Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 245 of 258

packaged [4] 159/4 159/10
 164/1 167/19
 packaging [6] 158/20 160/11
 163/22 165/2 165/4 167/21
 page [98] 18/9 18/14 20/21
 20/22 22/12 23/7 25/25 27/2
 35/2 35/12 35/21 36/12 36/18
 37/1 37/8 38/1 38/14 38/17
 38/25 39/10 39/13 39/20 65/10
 90/10 90/16 90/18 91/12 91/22
 91/22 93/11 93/12 93/17 94/8
 95/4 95/10 95/11 96/5 96/15
 96/22 96/24 97/5 97/11 97/24
 98/5 98/11 99/6 99/6 99/11
 99/21 100/7 101/13 101/18
 101/20 102/5 102/7 102/9
 102/14 102/19 102/21 102/23
 103/3 103/6 103/10 103/12
 103/17 103/22 103/24 104/8
 104/17 104/24 105/4 105/17
 105/22 106/12 106/16 106/19
 106/25 107/11 115/12 117/6
 117/8 117/21 118/7 118/8
 123/13 125/5 126/9 130/12
 130/13 131/9 131/12 131/13
 160/16 162/3 184/3 195/6
 198/22 198/23
 Page 1 [1] 36/12
 Page 10 [1] 99/6
 Page 11 [3] 20/22 38/1 100/7
 Page 12 [2] 23/7 38/14
 Page 13 [1] 38/17
 Page 14 [1] 38/25
 Page 15 [1] 102/23
 Page 16 [2] 39/10 103/17
 Page 17 [2] 39/13 104/8
 Page 18 [2] 39/20 104/24
 Page 19 [2] 22/12 105/17
 Page 2 [2] 115/12 117/6
 Page 20 [2] 106/12 130/12
 Page 21 [1] 106/25
 Page 3 [4] 90/10 90/16 90/18
 118/7
 Page 380 [2] 195/6 198/22
 Page 4 [1] 91/12
 Page 45 [1] 25/25
 Page 47 [2] 27/2 65/10
 Page 5 [2] 35/2 91/22
 Page 6 [3] 35/12 93/11 93/12
 Page 63 [1] 184/3
 Page 7 [1] 35/21
 Page 8 [3] 36/18 125/5 160/16
 Page 81 [1] 162/3
 Page 9 [2] 37/1 123/13
 pages [2] 131/8 131/9
 pair [1] 185/20
 panel [2] 178/21 182/4
 pants [2] 164/5 201/1
 paper [4] 89/17 123/8 123/10
 123/11
 papers [1] 69/12
 paragraph [1] 65/11
 park [25] 46/12 47/22 49/2
 97/9 104/7 107/6 107/6 134/22
 136/17 136/18 137/17 137/18
 143/2 143/4 143/10 143/25
 155/2 174/25 175/13 175/17

177/9 177/17 185/9 187/7
 203/19
 Park Heights [2] 137/17
 137/18
 parked [7] 155/1 155/14
 165/14 169/16 176/4 177/19
 178/16
 parking [8] 152/13 165/15
 187/10 187/10 188/4 189/1
 189/12 193/2
 part [14] 34/21 47/21 51/9
 65/23 66/16 126/9 169/3
 177/16 179/23 180/6 183/10
 189/7 189/16 195/24
 participant [3] 196/3 196/11
 199/5
 participants [2] 184/18
 195/14
 participated [1] 201/11
 particular [42] 6/3 7/4 7/5
 9/8 9/10 9/15 13/11 14/8 14/8
 16/4 18/16 23/2 23/5 23/8
 26/8 28/13 41/25 42/5 48/16
 52/7 52/15 73/22 89/11 94/8
 95/10 95/23 97/25 99/23 104/2
 152/19 152/25 162/18 170/17
 185/6 190/24 195/19 197/25
 198/18 201/5 204/4 210/8
 214/11
 particularly [1] 9/16
 passed [1] 49/23
 passenger [7] 157/11 157/11
 157/12 178/25 179/1 182/19
 182/20
 passenger-side [1] 179/1
 passengers [1] 158/6
 passing [1] 214/4
 past [3] 79/20 148/15 175/2
 pat [1] 144/25
 pat-down [1] 144/25
 path [1] 12/20
 patrol [5] 142/3 142/16
 156/22 157/7 180/12
 patrolling [1] 142/24
 Paul [4] 1/18 2/9 146/19
 202/18
 Paul Enzinna [1] 1/18
 Paul Hazlehurst [3] 2/9
 146/19 202/18
 pause [7] 11/10 26/13 51/4
 191/3 192/7 193/7 216/25
 pausing [2] 191/15 191/25
 peek [1] 64/5
 peering [2] 78/8 79/2
 pen [4] 45/14 45/14 45/15
 125/7
 pending [1] 69/1
 Pennsylvania [1] 86/14
 people [30] 7/5 24/18 27/16
 34/12 40/3 42/9 42/16 42/23
 43/5 49/5 51/17 54/5 54/19
 67/23 78/3 83/3 84/14 84/18
 147/7 163/17 169/2 169/24
 170/1 170/14 192/1 204/13
 204/24 205/2 209/5 209/16
 per [1] 159/11
 percent [3] 114/23 125/4
 125/4
 perhaps [3] 11/3 48/6 212/13

period [7] 33/20 110/19 121/5
 125/21 126/25 156/18 169/17
 periodic [1] 89/6
 periodically [1] 89/1
 periods [4] 100/19 136/8
 139/15 139/17
 permissible [1] 56/7
 Permission [1] 13/17
 permits [1] 73/15
 Perry [2] 1/15 111/25
 person [40] 10/11 13/4 14/22
 15/2 16/4 31/18 45/4 45/9
 45/20 51/13 52/15 53/6 53/9
 54/9 54/22 56/13 114/6 126/20
 126/22 128/1 128/14 128/19
 128/21 153/13 154/18 163/1
 171/5 171/11 182/12 182/13
 182/18 182/22 183/2 192/13
 193/3 194/1 199/13 201/1
 201/3 201/23
 person's [1] 42/19
 personal [2] 109/25 150/3
 personally [2] 43/15 113/15
 persons [1] 156/16
 phone [260]
 phone's [7] 71/17 101/1
 101/12 102/4 103/2 104/16
 119/11
 phones [15] 30/9 31/1 35/13
 39/15 71/9 89/11 106/21 107/2
 107/13 109/22 114/12 114/18
 120/25 130/15 130/17
 photo [2] 10/6 44/4
 photograph [16] 8/17 9/15
 10/11 10/12 159/5 160/18
 160/19 160/21 177/10 177/21
 178/1 179/19 180/3 182/8
 183/19 187/9
 photographed [1] 1

P		Q	
ping... [1] 138/25 pinged [1] 136/16 pinging [1] 106/8 pings [3] 62/3 68/7 111/17 pink [4] 33/3 36/20 38/21 38/22 pinpoint [5] 83/6 83/21 83/23 85/24 119/4 pistols [1] 197/16 placard [1] 180/18 placards [4] 180/8 180/11 180/13 209/25 place [6] 127/7 135/13 177/4 180/20 204/23 205/1 placed [2] 146/5 159/14 placing [1] 122/6 Plaintiff [2] 1/3 1/14 plaintiff's [2] 70/17 70/20 planning [1] 212/19 plastic [2] 158/7 166/4 plastic bag [1] 158/7 plates [1] 165/24 platform [2] 83/8 85/14 platforms [1] 84/2 play [23] 5/21 6/6 25/21 26/10 27/4 64/11 65/4 66/15 66/15 66/24 161/2 161/6 161/23 162/1 162/4 162/9 184/1 184/4 184/10 192/5 195/1 195/4 195/7 played [17] 4/19 5/18 6/2 16/2 26/12 27/11 64/9 66/8 66/25 162/10 162/13 184/12 184/15 191/11 191/23 192/6 195/12 playing [1] 191/13 please [26] 34/19 47/16 54/16 68/21 74/10 74/12 74/13 74/14 81/12 81/14 81/16 81/17 98/15 134/1 141/12 141/14 141/15 141/16 150/21 150/23 150/24 173/16 173/18 173/19 173/20 198/25 plot [1] 107/16 plots [1] 106/18 plotted [1] 91/20 plugging [1] 11/4 PO [1] 217/11 pocket [4] 44/22 44/24 158/13 171/19 point [29] 7/16 10/21 11/1 23/13 29/16 29/19 29/22 59/9 60/13 65/9 86/16 98/1 108/2 110/7 115/21 127/25 131/20 149/5 153/22 154/6 157/13 161/3 161/5 161/7 162/1 169/19 194/20 200/19 206/21 pointing [2] 80/5 137/21 points [3] 99/3 110/19 127/18 pole [6] 88/14 88/14 199/21 200/10 200/15 208/15 pole camera [2] 199/21 208/15 police [33] 8/20 27/25 41/9 42/16 42/21 78/2 82/20 141/13 142/5 142/9 142/13 146/20 151/7 151/11 151/14 151/22 152/2 174/16 174/21 176/2	177/18 178/7 178/8 181/22 187/25 197/4 197/10 202/20 203/6 204/13 204/14 205/12 207/3 Pollock [3] 193/19 194/12 194/18 popularly [1] 136/12 portion [7] 184/10 189/17 191/1 191/6 192/21 193/9 208/20 portions [2] 3/15 184/4 position [5] 3/16 7/3 10/10 55/19 72/2 positive [1] 211/13 possession [2] 146/3 149/14 possibility [1] 50/3 possible [11] 5/15 9/23 54/5 121/14 121/17 124/23 129/12 139/22 139/25 140/1 205/19 possibly [3] 53/1 55/11 133/9 potential [3] 205/21 211/2 214/17 potentially [3] 207/23 211/7 214/15 powder [7] 158/8 166/2 166/16 167/10 171/15 171/16 171/18 PowerPoint [1] 85/12 practicals [2] 84/3 84/4 precinct [2] 142/3 159/17 preclude [1] 8/10 prefer [2] 212/21 212/22 preferable [1] 212/17 prejudice [2] 9/12 9/15 prejudicial [1] 10/6 preliminary [1] 69/9 prepare [5] 30/9 30/16 67/2 90/3 198/20 prepared [3] 9/19 64/13 110/4 preparing [1] 115/7 prescription [3] 166/5 167/3 167/12 present [3] 2/14 85/3 139/22 presented [3] 83/24 84/3 85/4 presumably [2] 129/8 138/19 pretrial [1] 169/2 pretty [7] 5/4 72/2 76/16 77/22 83/8 85/15 100/1 previous [2] 106/14 177/16 previously [2] 11/21 34/21 primarily [1] 88/23 Prince [2] 82/14 86/12 Prince George's County [2] 82/14 86/12 Princely [13] 91/2 94/21 95/1 95/22 95/25 105/25 106/9 106/11 135/24 136/5 138/2 138/6 138/16 Princely Way [6] 95/1 95/25 136/5 138/2 138/6 138/16 prints [1] 60/22 prior [7] 29/12 36/15 55/9 82/6 110/6 142/4 142/7 probably [17] 29/19 45/13 45/18 85/19 118/17 126/18 126/25 127/7 127/11 127/14 132/13 137/25 138/4 140/16 152/3 155/22 193/18 probative [5] 9/8 9/12 9/13 10/10 10/14	problem [1] 50/18 problems [1] 10/17 proceeded [1] 155/2 proceedings [1] 217/17 produced [1] 160/4 producing [2] 37/19 37/20 product [2] 70/21 85/2 proffered [1] 72/16 Project [4] 83/6 83/21 83/23 85/24 Project Pinpoint [4] 83/6 83/21 83/23 85/24 propagation [2] 119/24 120/22 proper [2] 51/14 110/7 property [1] 193/23 propose [1] 110/24 prosecutor [1] 85/6 prove [4] 9/22 9/22 9/24 10/2 provide [5] 16/8 84/14 106/11 118/16 122/19 provided [16] 29/10 30/12 30/18 50/24 51/11 52/3 53/8 55/23 68/6 85/1 85/22 90/13 90/14 109/7 118/2 200/4 provider [2] 55/21 117/14 providers [1] 84/12 providing [3] 8/25 114/3 119/5 province [1] 4/5 proximity [2] 58/17 128/10 public [7] 26/23 41/18 41/19 42/6 174/7 174/8 174/12 pull [9] 45/6 66/18 66/20 66/21 123/5 133/13 155/8 155/10 184/17 pulled [2] 155/11 156/24 pulling [1] 26/1 pump [2] 156/4 185/25 pumps [5] 155/1 185/23 185/24 186/11 189/5 purposes [6] 8/15 88/3 88/9 147/20 177/20 203/23 put [26] 3/9 30/11 32/16 40/2 40/20 58/15 64/2 64/2 70/16 83/22 84/21 94/1 106/15 106/18 116/5 137/14 144/10 145/17 148/16 149/4 197/14 207/5 208/17 211/12 216/2 216/14 puts [3] 134/6 139/3 139/4 putting [1] 112/21	
		qualified [2] 86/4 86/23 quantities [1] 5/25 quantity [6] 158/22 160/11 164/1 167/17 167/20 168/2 quarter [3] 136/23 178/21 182/3 question [13] 51/23 53/15 55/24 62/5 62/10 70/3 110/18 111/22 114/8 114/10 121/6 122/18 140/22 questioned [1] 160/10 questions [16] 64/8 67/4 72/22 73/11 81/1 81/3 81/4 86/19 140/4 140/13 146/11 150/8 160/1 161/4 198/10 211/17	

<p>Q</p> <p>quicker [2] 205/21 205/21</p> <p>quickly [3] 108/10 192/3 205/18</p> <p>quite [1] 206/24</p> <p>R</p> <p>radio [9] 84/9 119/23 119/23 120/2 120/22 121/11 127/19 127/22 130/1</p> <p>radio waves [5] 84/9 119/23 120/2 120/22 121/11</p> <p>radiofrequency [2] 84/8 119/24</p> <p>radius [1] 72/19</p> <p>rain [3] 120/22 120/23 120/25</p> <p>raise [8] 5/12 8/5 52/20 74/10 81/12 141/12 150/21 173/16</p> <p>raised [2] 111/9 111/10</p> <p>ran [2] 76/24 77/10</p> <p>Randy [1] 2/1</p> <p>Randy Banks [1] 2/1</p> <p>range [4] 69/25 122/2 124/2 159/11</p> <p>rap [2] 37/19 37/20</p> <p>rappin' [1] 37/21</p> <p>rate [1] 215/19</p> <p>rates [5] 214/21 216/2 216/7 216/8 216/10</p> <p>rather [2] 4/5 71/22</p> <p>RCR [1] 217/6</p> <p>RDR [4] 1/23 217/6 217/15 217/19</p> <p>re [1] 5/19</p> <p>re-called [1] 5/19</p> <p>reached [1] 85/3</p> <p>reaches [2] 84/23 122/11</p> <p>read [10] 12/5 69/10 83/7 83/22 85/1 130/22 132/13 132/19 134/24 159/21</p> <p>reading [18] 26/16 65/21 83/2 117/10 117/13 117/15 117/24 118/13 119/1 184/19 184/21 184/25 195/14 195/21 195/24 196/3 196/14 199/8</p> <p>ready [2] 108/18 173/9</p> <p>real [6] 80/23 85/1 85/4 85/5 113/3 196/15</p> <p>realize [1] 36/11</p> <p>realized [1] 96/18</p> <p>really [28] 3/18 4/15 23/24 42/6 49/13 62/17 63/4 63/6 71/3 77/1 77/2 77/25 78/13 79/1 79/16 94/5 119/8 126/23 130/22 139/21 180/2 180/2 182/7 195/22 200/8 200/13 202/8 209/6</p> <p>realtime [7] 34/11 112/19 112/20 112/22 112/24 113/4 217/20</p> <p>rear [3] 154/8 154/8 182/3</p> <p>reason [3] 55/6 88/8 118/6</p> <p>reasons [1] 156/14</p> <p>rebut [2] 216/1 216/14</p> <p>recall [16] 12/8 40/22 57/3 58/1 64/5 64/6 64/8 72/5 80/2 80/2 115/7 130/21 168/21</p>	<p>170/20 199/10 210/19</p> <p>receive [8] 87/4 87/8 87/12 89/12 92/15 93/24 122/16 211/6</p> <p>received [11] 52/1 54/23 60/13 60/14 93/3 93/7 133/2 151/23 152/1 152/12 182/13</p> <p>recent [1] 214/6</p> <p>recess [8] 68/19 68/20 108/5 108/15 108/17 172/25 173/7 173/8</p> <p>recognize [27] 14/22 15/2 16/4 16/16 16/18 17/6 17/8 23/15 24/21 27/16 79/6 87/19 90/7 116/19 130/25 133/19 144/21 145/8 153/13 154/18 155/5 158/10 158/17 163/1 182/22 183/2 194/1</p> <p>recollection [5] 48/6 52/18 54/22 55/2 57/3</p> <p>reconfigure [1] 88/19</p> <p>record [22] 21/13 50/21 54/17 62/1 74/14 81/17 87/24 109/18 115/15 132/12 139/14 141/16 150/24 161/1 173/20 206/13 212/7 214/11 214/14 215/1 215/2 217/17</p> <p>recorded [2] 92/22 92/24</p> <p>recording [5] 37/13 48/5 48/7 125/15 136/3</p> <p>records [98] 7/9 13/11 13/25 14/1 14/5 14/11 14/19 19/15 19/19 19/20 19/21 20/3 20/11 21/24 22/23 23/21 27/14 30/21 30/24 31/10 31/15 32/11 33/10 33/15 33/19 34/14 36/12 40/7 40/10 40/14 57/21 57/23 58/2 61/22 62/3 62/5 62/11 67/25 68/2 68/4 71/8 83/3 83/4 83/8 83/9 83/16 83/22 83/25 84/13 84/14 85/1 85/10 85/11 85/17 85/21 85/23 86/5 87/12 87/20 88/2 89/4 89/9 89/10 89/16 89/23 89/24 89/25 90/12 92/20 94/24 109/2 109/8 109/10 109/12 109/23 110/2 110/8 110/25 111/2 111/9 111/10 111/12 111/19 111/20 112/2 112/5 113/6 113/7 113/20 117/10 119/1 130/9 130/14 131/3 132/17 136/7 139/18 141/1</p> <p>recover [4] 34/7 190/16 190/22 200/1</p> <p>recovered [32] 12/5 16/22 145/2 145/4 145/12 146/1 149/5 158/4 158/20 158/22 159/4 159/13 160/10 160/12 160/13 160/22 163/20 163/22 163/24 163/25 164/3 164/9 165/11 165/23 167/2 167/5 167/11 167/13 167/18 171/12 190/17 196/17</p> <p>recovering [1] 210/15</p> <p>red [9] 47/10 47/13 90/20 90/23 90/23 91/9 106/23 134/14 153/1</p> <p>redirect [10] 63/15 67/10 67/12 116/4 140/21 140/23</p>	<p>150/12 150/13 172/18 211/21</p> <p>refer [1] 213/2</p> <p>reference [2] 65/9 161/18</p> <p>referenced [1] 44/10</p> <p>references [3] 65/23 66/3 66/3</p> <p>referred [1] 64/3</p> <p>referring [3] 89/16 119/20 193/5</p> <p>reflected [1] 92/20</p> <p>reflection [1] 23/20</p> <p>reflects [1] 125/8</p> <p>refresh [3] 48/6 54/21 57/3</p> <p>refreshes [1] 55/1</p> <p>refused [2] 183/24 206/2</p> <p>regard [7] 5/14 10/2 30/20 70/12 204/3 204/23 214/5</p> <p>regarding [3] 6/17 70/5 215/16</p> <p>Registered [1] 217/20</p> <p>registration [1] 165/24</p> <p>regular [1] 88/14</p> <p>related [3] 50/1 109/4 151/23</p> <p>relation [7] 16/23 18/23 99/3 177/10 177/12 177/21 195/10</p> <p>relationship [1] 10/13</p> <p>relatively [1] 69/6</p> <p>release [6] 26/25 41/8 41/9 42/8 169/3 169/4</p> <p>released [3] 26/23 26/24 28/9</p> <p>relevance [4] 56/16 115/20 161/7 207/9</p> <p>relevant [2] 7/15 161/15</p> <p>relied [1] 113/6</p> <p>Reload [1] 197/13</p> <p>rely [1] 113/19</p> <p>remained [1] 169/22</p> <p>remember [15] 43/20 43/22 76/8 76/11 76/15 76/16 77/21 78/1 80/5 114/25 129/4 170/25 185/25 214/18 216/21</p> <p>remind [7] 12/12 12/14 17/17 20/12 21/6 94/22 196/6</p> <p>reminded [1] 40/19</p> <p>Remington [2] 48/16 96/22</p> <p>repast [1] 76/13</p> <p>repeat [1] 63/2</p> <p>rephrase [3] 53/19 111/25 179/14</p> <p>replace [1] 180/11</p> <p>report [47] 53/6 53/11 53/13 70/4 70/5 70/25 71/5 71/12 71/13 90/3 90/8 90/10 90/16 93/11 93/12 106/12 109/12 110/3 114/13 115/7 115/17 115/18 115/18 115/21 115/25 116/1 117/7 117/19 117/22 118/7 122/13 123/14 125/6 130/2 130/12 133/11 134/4 134/8 135/19 136/15 147/14 147/22 147/24 148/1 149/17 204/3 204/6</p> <p>reported [13] 1/22 16/2 26/12 27/11 66/8 66/25 152/14 152/18 162/10 162/13 184/12 184/15 195/12</p> <p>Reporter [4] 1/24 217/20 217/20 217/21</p> <p>reporting [3] 25/16 25/17</p>
--	--	---

R	Rockville [2] 82/12 82/17 Roland [1] 47/22	207/13 207/14 207/18 209/5 215/4
reporting... [1] 152/13 reports [3] 71/1 71/3 216/18 represent [4] 91/25 146/19 178/18 202/18 represented [2] 71/22 215/5 represents [1] 91/8 request [6] 87/4 87/8 87/13 93/10 157/16 210/15 requested [3] 157/14 157/17 165/19 requesting [1] 210/7 requests [3] 87/4 210/14 211/12 residence [2] 164/14 166/12 respect [7] 6/24 8/7 110/4 111/1 111/2 161/15 194/23 respond [6] 143/3 143/25 157/17 157/19 180/9 180/11 responded [7] 143/16 157/21 157/22 175/16 177/3 187/2 187/3 response [11] 44/3 63/14 67/9 72/17 86/21 108/12 140/14 150/11 172/17 184/24 211/20 responsibilities [1] 174/11 responsible [7] 163/9 204/21 204/24 207/21 210/4 210/7 211/7 rest [1] 10/20 restrictions [3] 215/9 215/24 215/25 result [1] 88/18 resulted [1] 165/20 results [2] 59/8 211/14 resume [1] 7/19 retired [1] 202/22 retreat [1] 79/19 returned [2] 76/13 155/24 reverse [1] 187/21 review [6] 19/15 40/10 54/12 68/4 109/4 109/10 reviewed [7] 22/23 30/6 73/1 73/2 84/5 110/2 110/16 Reviews [1] 116/23 Rhone [1] 163/15 rifle [8] 176/14 176/15 176/20 196/24 196/24 197/16 197/25 198/4 right [300] right-hand [3] 98/10 162/5 189/17 rights [1] 159/22 ring [1] 54/11 rise [2] 153/6 153/25 road [24] 48/19 91/8 94/13 94/18 95/1 95/15 95/25 134/10 152/9 152/10 152/14 153/2 153/5 153/23 154/1 154/2 154/5 154/6 155/6 155/7 156/22 169/14 178/20 216/5 roadway [5] 175/18 177/19 178/16 178/18 208/20 robberies [5] 82/21 82/21 83/11 83/11 83/12 rock [1] 171/13 rock-like [1] 171/13 rocks [1] 172/12	Rockville [2] 82/12 82/17 Roland [1] 47/22 Roland Park [1] 47/22 role [2] 87/3 163/8 roll [1] 88/24 rolled [2] 10/24 11/7 Rolling [3] 152/9 154/6 155/7 Rolling Road [3] 152/9 154/6 155/7 roof [1] 181/23 room [13] 76/21 76/25 77/11 77/12 77/14 77/15 78/1 79/10 79/23 79/25 160/5 163/16 164/7 roughly [2] 123/20 134/3 round [3] 45/18 60/5 176/14 rounds [6] 60/7 60/8 60/8 60/12 145/24 145/25 routine [1] 175/2 Royal [1] 47/23 ruling [5] 10/19 49/16 212/19 214/24 215/23 run [1] 144/10 running [1] 76/21 runs [1] 186/1	saying [22] 3/19 23/24 31/24 43/7 43/10 43/12 52/19 52/21 70/16 73/5 76/22 77/8 94/1 94/4 94/5 110/20 119/8 119/10 139/21 140/2 168/21 170/20 says [12] 23/23 25/2 28/16 28/17 53/13 66/16 70/5 71/7 117/10 118/13 171/25 215/13 scale [4] 164/23 164/25 167/3 167/12 scales [2] 163/22 167/21 scan [3] 157/17 157/23 165/19 scanning [4] 92/6 92/7 92/22 92/22 scene [17] 12/2 12/18 45/9 60/22 61/2 62/18 139/4 157/17 176/23 176/24 181/13 185/17 187/7 203/7 204/17 208/1 210/15 scheduling [2] 212/6 213/6 school [1] 133/16 science [1] 73/15 score [1] 69/3 Scott [4] 150/20 150/22 150/25 217/12 SCOTT YOUNG [3] 150/22 150/25 217/12 screen [13] 3/10 40/2 65/7 75/7 75/12 75/17 97/13 97/14 116/5 123/4 143/19 177/13 193/1 screenshot [3] 8/19 9/6 28/4 search [11] 58/18 84/15 113/3 144/25 158/2 162/17 162/23 163/5 163/8 165/21 166/1 search warrant [6] 84/15 113/3 162/17 162/23 163/5 166/1 searched [4] 163/18 165/16 170/11 171/11 searching [1] 163/9 seat [6] 154/8 154/8 169/22 171/1 171/3 182/20 seated [5] 68/21 74/12 81/14 141/14 173/18 second [16] 9/6 19/1 70/3 83/23 84/11 88/8 111/3 115/20 127/8 143/17 189/19 189/20 191/15 198/25 206/11 206/11 seconds [12] 26/11 132/1 132/3 155/22 162/12 184/11 184/14 191/10 191/14 191/22 192/5 193/6 section [1] 198/23 sector [52] 90/1 92/8 92/16 92/19 93/8 93/23 93/25 93/25 94/12 94/13 94/15 94/15 94/16 94/20 95/13 95/18 95/19 95/22 97/17 97/19 97/21 99/18 101/12 101/14 101/14 101/15 101/15 101/17 102/16 102/18 102/20 102/22 103/4 103/8 103/9 103/11 103/22 103/23 104/21 104/23 105/3 105/5 105/8 105/10 105/24 106/10 119/6 119/13 122/7 122/11 124/19 124/22
S		
	S-C-O-T-T [1] 150/25 SA [2] 217/9 217/10 Sabrina [4] 54/14 55/17 55/18 57/5 Sabrina Belote [3] 54/14 55/17 55/18 safety [3] 5/15 174/7 174/9 said [50] 26/16 31/16 43/2 43/13 48/4 51/13 52/5 52/12 55/5 57/2 64/14 73/20 77/6 77/19 115/24 119/24 121/10 122/1 124/9 139/24 143/12 143/22 144/17 148/8 148/15 155/8 160/9 166/24 170/14 175/25 176/16 176/18 182/24 184/18 186/10 186/10 194/3 194/16 195/14 195/21 195/24 196/3 196/11 196/14 199/13 206/18 206/19 207/3 207/7 207/14 sale [2] 159/11 167/19 same [34] 4/12 12/20 16/25 24/4 24/23 27/3 30/7 34/10 36/22 36/22 54/18 72/15 72/25 73/4 91/14 91/21 91/24 94/13 98/7 99/18 101/10 101/14 102/2 102/25 103/19 106/16 118/17 123/4 132/15 145/19 155/12 164/25 195/11 215/25 Sardelli [1] 2/2 saw [16] 30/7 41/12 43/6 78/2 110/25 153/24 154/20 155/8 155/9 156/9 169/13 172/7 187/11 199/18 199/24 201/15 say [41] 4/1 4/4 6/17 30/2 30/8 32/8 41/14 45/15 45/18 45/20 46/21 47/1 50/7 51/21 51/22 51/25 54/25 55/3 55/25 70/15 70/19 70/23 71/3 99/3 110/18 117/24 122/20 127/11 138/24 139/7 142/25 160/8 170/1 171/3 193/10 206/5	

S	Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 249 of 258	145/13 147/4 serious [1] 208/24 served [1] 84/15 service [5] 87/21 87/22 87/23 117/14 142/24 serviced [1] 88/11 Services [2] 174/7 174/9 set [1] 88/15 Seth [1] 157/12 Seth Grinnich [1] 157/12 sets [3] 85/20 88/15 189/5 seven [6] 41/2 41/3 41/4 41/7 89/8 138/4 several [11] 37/8 38/18 39/3 49/5 87/6 123/3 131/8 139/5 175/4 175/18 200/18 SF [1] 191/2 shaded [3] 73/10 93/25 94/5 shading [2] 72/15 72/18 Shakeen [6] 2/8 144/7 144/18 144/24 146/19 202/18 Shakeen Davis [5] 2/8 144/18 144/24 146/19 202/18 shaken [1] 77/22 shape [2] 124/7 124/17 shapes [2] 71/13 71/14 shattered [7] 179/1 179/2 179/7 179/22 179/24 182/14 183/20 she [33] 6/22 43/3 52/10 55/3 55/5 55/20 55/25 56/5 56/17 66/4 76/22 76/24 77/1 77/1 77/1 77/2 77/4 77/4 77/5 77/6 77/6 77/6 77/7 77/8 77/9 77/10 77/10 77/12 77/14 77/15 115/24 214/19 214/19 she'd [1] 51/12 She's [1] 69/6 sheet [1] 9/4 sheets [1] 164/6 shell [18] 59/21 176/13 178/18 179/10 180/10 180/18 185/20 186/3 186/7 186/13 186/17 188/11 189/13 196/9 209/22 209/24 210/10 210/25 shell casings [18] 59/21 176/13 178/18 179/10 180/10 180/18 185/20 186/3 186/7 186/13 186/17 188/11 189/13 196/9 209/22 209/24 210/10 210/25 Sheppard [2] 193/22 194/20 Sheriff's [1] 82/8 Shird [8] 193/20 194/2 194/3 194/11 194/12 194/15 194/18 195/18 shirt [4] 144/10 176/9 185/22 195/20 shirt's [1] 178/20 shit [4] 184/21 184/22 184/25 195/15 shoeprints [1] 61/5 shoes [1] 61/6 shoot [2] 63/5 197/19 shooter [2] 64/17 64/24 shooting [26] 18/25 25/16 41/6 42/1 43/3 45/10 45/10 55/9 62/4 62/12 174/23 174/24 175/16 175/23 185/8 185/11	191/16 193/15 195/10 199/20 203/1 203/16 204/10 206/19 207/21 208/1 shootout [2] 196/15 196/18 short [9] 69/5 69/6 79/16 151/15 155/22 156/7 156/18 169/17 184/10 shortly [1] 204/10 shorts [2] 199/15 199/16 Shorty [1] 184/19 shot [17] 26/16 28/2 41/13 41/15 63/8 179/5 180/6 182/2 187/22 189/4 193/19 193/20 193/21 193/22 194/3 197/15 204/21 should [13] 3/18 4/3 4/14 6/21 7/22 52/9 54/6 65/17 75/7 75/12 75/17 143/19 214/12 show [78] 7/9 13/14 14/21 15/1 15/11 15/24 16/10 16/20 22/1 22/2 23/13 27/13 27/22 28/11 31/3 31/12 32/9 32/12 32/23 33/18 35/2 46/19 47/3 48/18 55/1 62/3 62/6 67/25 71/5 75/6 79/5 87/15 90/6 106/16 110/8 111/16 122/23 123/1 123/1 125/5 130/20 132/14 133/13 143/14 144/20 145/6 145/15 147/19 152/21 153/12 153/20 154/17 155/4 158/9 158/15 159/1 160/14 162/25 166/9 166/18 181/19 182/21 183/4 187/4 190/18 190/19 190/24 191/2 191/9 191/20 191/22 192/19 193/25 194/8 198/23 203/22 208/4 208/20 showed [11] 30/21 32/18 34/22 40/14 42/13 57/15 91/16 170/12 190/25 190/25 200/3 showing [11] 9/10 9/11 35/22 36/18 65/7 91/18 107/10 116/10 164/11 177/5 187/19 shown [6] 9/3 29/5 31/10 40/13 40/17 139/19 shows [12] 10/13 25/9 31/12 34/1 90/18 107/4 107/7 136/15 161/10 178/19 181/22 182/3 shy [1] 174/10 sic [2] 16/21 138/25 side [51] 26/3 26/5 42/25 45/17 78/15 79/9 90/1 91/4 94/1 94/2 97/16 98/10 99/21 99/23 100/2 101/18 101/20 102/5 102/14 102/19 103/3 103/5 103/22 103/24 104/20 105/22 119/11 133/20 135/20 136/4 162/5 175/19 178/9 178/12 178/13 178/13 178/21 178/25 179/1 179/6 179/8 180/2 181/23 186/1 186/20 187/16 187/22 187/23 188/2 193/3 196/4 sides [1] 73/1 sidewalk [8] 12/16 44/5 144/11 186/14 186/15 186/16 187/17 187/17 sight [8] 120/2 121/21 127/7
Sector 2 [11] 94/15 94/20 95/18 102/16 103/4 103/8 103/11 103/22 105/3 105/8 105/24 Sector 3 [9] 95/19 101/12 101/14 102/18 102/20 102/22 103/9 103/23 104/23 Sector 4 [7] 94/12 101/14 101/15 101/17 104/21 105/5 105/10 sectors [1] 92/10 see [129] 4/9 4/12 10/17 16/12 17/1 17/10 17/13 17/19 20/4 20/18 20/18 21/24 22/3 23/4 23/11 24/17 27/18 28/7 28/15 28/18 32/25 33/15 33/19 33/24 35/6 35/13 35/18 36/1 36/3 37/2 38/14 38/17 38/21 39/7 43/3 45/14 45/15 47/4 47/6 47/10 47/13 47/18 48/2 48/10 48/23 49/12 49/24 53/9 55/1 57/13 58/18 60/9 61/10 63/6 65/25 66/2 66/5 66/19 66/21 75/21 78/3 78/3 78/4 78/8 78/11 78/14 78/22 79/3 81/2 88/9 88/15 90/20 92/10 93/17 100/22 100/24 100/25 106/6 107/13 107/20 107/23 107/23 116/11 117/8 122/10 123/7 123/17 124/20 125/6 125/20 131/12 132/17 134/9 156/1 162/4 169/10 169/16 178/8 178/25 179/6 179/8 179/21 179/23 179/24 180/2 180/7 180/7 182/6 183/11 187/7 187/25 188/1 189/16 191/1 192/1 192/22 193/1 193/8 201/14 201/25 206/10 206/19 208/14 208/18 209/5 212/5 213/17 216/4 217/1 seeing [7] 93/21 97/24 100/3 105/11 201/10 202/7 207/9 seek [3] 7/10 111/9 161/5 seeking [1] 7/7 seem [2] 7/17 122/25 seemed [1] 160/12 seems [1] 123/3 seen [6] 42/17 71/6 106/18 192/14 201/11 209/24 sees [1] 92/8 selected [3] 83/5 83/13 84/6 selling [1] 150/4 semi [2] 197/16 198/3 semi-automatic [1] 197/16 semi-automatic-type [1] 198/3 semicircles [1] 71/14 send [5] 7/11 89/12 214/19 215/2 215/3 sending [1] 88/5 sense [3] 9/23 160/13 212/16 sent [1] 31/3 separate [4] 161/4 186/8 186/9 186/24 separated [1] 164/5 September [4] 142/12 142/19 145/13 147/4 September 12th [3] 142/19			

S	Smith [6] 15/15 15/16 17/18 25/15 145/3 145/11	southeast [5] 96/20 96/22 97/9 99/25 123/20
sight... [5] 127/8 127/11 127/15 127/23 129/11	smoking [4] 143/11 147/7 148/11 149/2	southern [4] 126/9 128/6 213/24 214/1
sign [1] 189/16	so [289]	Southern District [2] 213/24 214/1
signal [2] 92/9 92/13	social [7] 5/11 5/11 8/10 8/10 8/11 10/18 10/20	southward [1] 107/20
significant [1] 136/8	sock [1] 185/21	southwest [9] 102/21 142/18 174/23 174/24 181/15 181/22 192/9 201/12 203/1
signs [2] 44/10 44/12	software [1] 122/9	Southwest District [8] 142/18 174/23 174/24 181/15 181/22 192/9 201/12 203/1
silver [3] 176/3 178/7 178/9	sold [1] 172/8	Southwestern [1] 46/25
similar [5] 98/2 100/4 107/14 110/13 111/2	solve [1] 205/22	Southwestern District [1] 46/25
simply [6] 7/8 8/14 54/25 110/3 128/20 206/22	some [61] 4/25 6/3 7/21 9/22 20/8 29/5 29/16 29/19 29/22 32/10 32/20 36/7 37/23 40/1 42/17 44/5 44/7 46/5 49/20 53/8 53/11 55/12 55/13 56/13 60/13 61/18 71/22 88/23 98/1 120/14 120/15 122/25 124/18 133/16 143/9 149/17 156/12 160/12 161/4 167/2 167/10 168/14 171/13 172/8 180/1 184/25 185/23 185/23 185/25 186/5 186/11 186/12 186/19 188/4 197/9 197/18 201/15 212/20 213/6 216/1 216/13	space [4] 79/11 79/13 126/15 128/8
Since [1] 82/9	somebody [3] 50/10 77/7 208/25	Spartanburg [1] 82/7
single [2] 75/5 106/19	someone [28] 5/1 6/9 12/7 30/18 41/12 41/24 42/4 44/18 49/25 50/8 50/14 50/18 51/11 52/12 55/23 59/20 62/19 62/21 63/4 73/9 76/7 78/5 80/10 170/5 171/8 171/9 199/3 203/6	Spartanburg County [1] 82/7
single-family [1] 75/5	Somerset [1] 86/15	spatter [1] 188/4
sir [128] 32/17 47/13 60/6 64/1 64/7 67/3 68/11 112/13 112/14 112/18 112/20 112/23 113/1 113/9 114/3 114/10 114/15 114/20 114/23 115/11 117/1 117/9 117/12 117/18 117/23 118/2 118/6 118/10 118/22 119/1 119/10 119/25 120/3 120/5 120/10 120/15 120/21 120/23 121/2 122/3 122/14 123/19 123/24 124/13 125/4 125/10 125/16 125/19 125/22 125/25 126/3 126/5 126/11 126/16 128/25 129/7 129/18 129/25 130/5 130/11 130/22 131/7 131/11 131/19 131/25 132/2 132/7 132/9 132/11 132/22 133/1 133/3 133/5 134/13 134/24 135/1 135/10 135/12 135/22 136/4 136/6 136/13 136/19 136/24 137/7 138/8 139/2 139/6 139/24 140/3 141/5 147/1 147/10 147/12 147/15 147/22 147/23 148/2 148/3 148/5 148/7 148/10 148/12 148/14 148/17 148/19 148/22 149/3 149/6 149/9 149/12 149/15 149/18 149/20 149/24 149/25 150/5 150/7 150/14 172/14 172/20 204/3 204/6 205/1 205/12 205/15 211/24 212/2	Somerset County [1] 86/15	special [10] 2/15 69/5 69/7 72/25 73/9 81/11 81/13 81/25 83/1 86/17
sit [1] 82/20	something [29] 4/4 9/17 9/24 11/5 23/25 46/6 49/25 50/5 53/9 71/22 76/6 78/5 78/10 92/24 116/1 120/8 123/22 123/23 124/15 133/17 150/3 170/3 172/4 188/24 203/13 203/13 210/22 214/25 215/5	Special Agent [4] 2/15 81/11 81/25 86/17
site [4] 69/1 69/8 72/5 98/19	sometimes [11] 37/12 41/18 42/4 42/10 42/15 43/4 44/14 62/15 67/21 88/19 169/2	Special Agent Wilde [4] 69/5 69/7 72/25 73/9
site [4] 69/1 69/8 72/5 98/19	somewhat [5] 5/6 97/5 127/17 193/1 193/11	specialize [1] 83/2
sitting [6] 92/5 92/14 145/20 175/18 182/19 187/14	somewhere [9] 45/10 45/13 45/19 56/22 100/23 104/5 128/6 137/8 138/12	specific [11] 8/13 8/15 8/23 53/6 84/23 93/7 93/10 126/24 126/25 127/2 152/3
situation [1] 85/5	son [8] 76/2 77/18 77/19 77/20 79/22 79/22 79/23 80/5	specifically [6] 52/12 53/10 87/8 152/13 162/16 163/21
six [5] 89/8 129/21 142/1 151/21 185/19	sorry [17] 21/15 36/10 40/5 43/21 51/1 62/25 63/16 64/23 69/18 107/4 110/24 113/13 120/24 123/25 126/6 143/13 182/10	specificity [1] 70/12
size [1] 192/23	sort [23] 7/21 12/18 24/24 42/24 47/22 52/20 53/23 54/1 70/15 71/13 103/13 104/11 107/12 107/14 125/20 134/6 178/1 192/1 192/21 199/17 201/15 208/14 216/3	specifics [2] 41/9 56/13
slap [1] 65/21	sound [3] 72/13 76/17 168/12	speculation [2] 50/23 51/9
sleep [1] 77/13	sounds [3] 49/16 72/14 202/22	spell [5] 74/14 81/17 141/16 150/24 173/20
sleeping [1] 79/24	source [2] 52/14 55/16	Spence [2] 199/3 199/3
slept [1] 77/14	south [7] 82/8 97/5 97/9 101/15 104/7 107/8 128/11	spoke [3] 13/3 46/15 106/15
slide [6] 45/6 99/3 101/4 101/8 101/25 102/10	South Carolina [1] 82/8	spot [2] 128/19 135/15
slides [1] 106/18		spread [1] 41/19
slightly [2] 161/21 188/24		spreads [1] 42/4
slope [2] 177/24 177/24		spring [3] 137/17 137/18 208/2
slowed [1] 120/10		Sprint [9] 84/12 87/22 91/18 91/19 93/16 104/10 107/5 107/9 117/14
slowly [1] 153/7		Sprint/Boost Mobile [1] 117/14
small [1] 186/14		squad [5] 42/7 174/12 174/23 174/25 203/1
smaller [1] 27/19		square [2] 47/10 47/13
		St. [1] 194/7
		St. Agnes [1] 194/7
		stairs [1] 80/6
		stand [7] 5/19 11/12 72/21 133/22 133/24 134/1 135/3
		standin' [1] 45/21
		standing [5] 42/19 42/20 45/19 193/10 200/18
		start [17] 45/11 65/20 65/20 108/6 113/25 131/19 134/8 164/11 177/5 191/8 201/19

T

T			T		
Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 252 of 258					
tell... [33]	104/14 104/14	108/25 112/7 116/22 135/7	78/13 79/13 82/14 82/17 82/18		
104/24 105/17 106/12 106/25		140/4 140/5 140/19 140/20	82/22 83/4 83/9 83/13 84/1		
139/16 139/16 143/6 152/23		141/4 141/5 141/6 141/18	84/17 84/25 85/3 85/4 85/7		
153/21 155/9 159/2 159/9		146/10 146/12 150/9 150/13	85/13 86/2 86/15 88/21 89/25		
160/3 160/19 162/5 162/7		150/14 150/15 151/1 168/3	91/7 92/15 94/17 94/19 95/14		
166/23 167/9 167/17 177/7		168/5 172/14 172/19 172/20	95/16 95/19 95/20 96/21 96/23		
178/17 182/7 183/9 183/15		172/21 173/23 198/9 202/9	96/25 97/1 97/4 97/6 97/8		
184/5 184/8 195/8 206/7		202/13 207/15 211/18 211/23	97/10 97/19 98/2 98/12 98/18		
207/20 212/13 214/5		211/24 211/25 212/3 213/1	98/23 98/23 98/25 99/9 99/17		
telling [4]	43/17 152/18	213/19	99/20 100/4 100/15 100/16		
194/16 207/4		that [1040]	101/13 101/14 101/17 101/19		
tells [6]	93/5 93/6 93/6	that's [165]	101/21 102/6 102/8 102/16		
98/21 100/23 171/22		4/6 7/25 8/23	102/18 102/20 102/22 103/4		
Temple [2]	36/8 40/20	9/24 11/3 16/10 18/18 19/3	103/5 103/7 103/9 103/11		
ten [13]	46/23 82/8 85/25	24/9 27/19 27/20 31/20 33/6	103/23 104/19 104/21 104/22		
127/25 128/8 128/24 155/22		33/25 35/9 41/25 46/14 46/16	105/5 105/7 105/9 105/23		
172/12 172/13 176/12 186/3		47/20 47/23 48/10 50/2 51/18	106/1 107/6 107/9 107/10		
189/13 196/9		51/25 52/1 53/13 53/17 56/8	107/16 107/22 113/19 113/20		
Teresa [1]	1/18	57/8 62/2 63/11 70/3 70/22	122/9 123/6 126/8 126/13		
Teresa Whalen [1]	1/18	70/22 71/12 71/16 71/17 71/21	126/14 127/10 127/14 128/7		
term [2]	172/6 172/13	72/24 74/15 75/24 76/21 80/11	128/11 128/23 129/13 129/13		
termed [1]	209/20	83/7 88/16 90/20 90/21 90/21	134/1 136/25 139/21 142/15		
terms [3]	5/6 43/6 130/3	92/19 93/1 93/20 95/12 97/24	143/12 151/17 152/2 154/7		
test [4]	85/2 122/5 122/6	98/10 98/13 98/14 98/16 98/19	155/2 155/18 155/25 156/15		
125/3		98/22 99/1 101/13 110/15	156/18 157/6 158/23 163/16		
testified [14]	26/22 107/17	110/23 113/1 113/6 114/7	163/24 164/1 164/6 166/1		
114/1 123/25 124/6 125/8		116/1 116/2 117/11 118/8	166/5 167/3 169/7 171/21		
130/8 132/5 136/14 138/11		119/2 119/12 123/20 124/4	174/18 179/8 180/11 184/21		
147/4 170/17 202/19 203/16		125/16 125/25 127/19 127/23	186/19 188/7 189/3 196/3		
testify [24]	5/23 7/3 30/5	129/12 130/13 131/5 134/9	205/12 210/1 212/14 215/24		
30/12 55/22 68/25 70/3 70/5		134/12 134/19 134/22 134/22	216/13		
70/10 70/16 70/19 70/20 71/19		135/2 135/11 135/13 135/17	theory [3]	84/8 119/24 119/24	
72/25 86/4 110/12 132/7		135/20 136/1 136/23 137/19	there [247]		
214/20 215/14 215/15 215/16		139/10 139/19 140/11 140/12	there's [64]	3/24 4/16 8/24	
215/19 216/6 216/13		145/20 146/22 146/24 147/3	9/5 9/8 11/2 20/18 24/11		
testifying [2]	83/4 109/23	147/6 149/22 152/24 154/1	32/20 35/8 36/19 36/25 37/8		
testimony [23]	7/4 7/6 7/12	154/19 155/6 159/3 162/1	38/2 39/20 53/11 63/8 66/2		
7/19 8/8 69/2 69/23 69/25		164/14 166/11 166/14 168/1	79/15 79/16 99/14 106/1 116/3		
72/6 72/7 72/9 72/10 72/12		168/14 171/22 171/22 171/25	116/6 118/6 118/22 120/8		
72/18 73/6 73/8 73/8 73/13		172/4 172/15 177/17 180/13	121/15 121/16 123/17 126/2		
73/21 86/24 213/14 216/2		180/17 180/23 181/8 181/21	126/9 129/10 129/12 129/19		
216/14		183/11 187/14 187/25 188/4	129/19 129/20 129/20 129/21		
testing [3]	58/25 59/8 211/11	188/10 188/10 188/13 188/17	129/21 131/13 131/23 135/9		
tests [1]	122/12	188/23 189/1 190/11 190/13	136/20 136/25 137/18 138/11		
text [24]	3/20 4/13 14/13	193/1 196/9 200/20 201/6	139/14 139/15 139/18 139/18		
20/12 21/8 25/2 25/3 25/11		202/21 203/2 203/4 203/8	153/25 161/22 179/25 180/14		
31/3 34/5 34/8 34/15 37/3		203/15 203/21 204/17 204/22	182/4 186/1 187/13 189/2		
37/5 37/8 38/18 38/25 67/15		205/8 206/1 206/3 208/13	209/6 209/6 209/13 214/7		
88/5 90/2 96/18 97/14 99/14		209/1 209/18 209/21 209/23	214/9		
114/5		210/3 210/6 210/16 211/16	therefore [1]	9/16	
text message [1]	90/2	214/25 215/1 216/23	these [43]	6/23 10/18 21/1	
text messages [9]	3/20 4/13	their [19]	21/4 21/18 21/24 22/23 24/7		
14/13 20/12 21/8 25/2 25/11		44/21 44/24 84/13	32/11 33/10 34/14 35/22 39/17		
67/15 88/5		88/8 88/9 88/10 89/5 106/16	57/15 64/13 67/2 70/13 71/13		
texts [12]	4/2 35/16 35/16	120/8 131/9 161/11 169/3	71/13 71/14 87/19 87/20 89/11		
35/18 36/3 37/9 37/23 38/15		169/4 170/3 170/6 180/13	90/20 93/20 93/21 93/24 95/9		
38/18 39/3 39/17 89/20		214/17 216/14 216/18	97/2 99/8 105/11 106/18		
than [18]	4/5 10/8 18/24	them [28]	106/21 125/20 128/18 130/2		
36/15 40/12 44/13 47/7 51/18		6/21 8/22 30/4	130/14 131/14 135/4 136/17		
70/17 71/22 86/20 91/20		56/11 65/16 77/8 83/3 83/22	137/5 189/12 209/24		
126/20 127/23 133/6 139/1		111/9 111/21 129/10 131/14	they [111]	5/15 5/24 6/1 6/15	
140/2 161/21		132/19 134/6 136/11 137/9	6/20 6/21 8/15 10/19 12/19		
Thank [59]	3/12 28/21 28/22	148/23 159/9 170/22 180/11	24/10 29/6 29/10 30/1 30/2		
28/24 34/25 51/5 57/10 63/10		194/14 195/22 199/16 205/8	30/3 30/3 30/4 33/15 37/5		
63/22 68/10 68/11 73/19 74/4		205/16 205/18 210/1 213/11	37/5 37/18 37/19 37/20 41/19		
74/17 80/25 81/5 81/6 81/15		then [164]	41/24 43/6 44/21 44/22 44/24		
81/19 97/23 108/16 108/23		5/11 9/4 9/7 12/17	45/18 45/23 49/10 49/22 61/13		
		25/12 25/14 25/15 27/20 29/16	61/14 62/11 71/16 77/7 78/4		
		30/1 33/2 33/5 35/18 36/3	78/7 78/7 78/9 88/6 88/8		
		38/8 39/3 41/4 44/7 47/18			
		52/14 53/7 55/12 55/13 56/1			
		56/16 57/9 60/17 65/16 71/21			
		76/16 76/21 77/8 77/10 78/4			

T	thought [4] 60/14 132/8 172/11 216/23	57/5 70/10 114/22 114/24 125/16 131/5 144/8 160/4 168/15 172/11
they... [67] 88/25 89/18 89/20 89/21 99/5 110/18 111/13 111/14 120/3 120/4 120/6 120/8 120/10 120/11 120/12 120/13 120/13 120/14 120/16 120/17 120/18 121/12 121/13 128/4 128/4 128/5 128/25 129/1 129/2 131/19 152/14 152/18 158/13 158/23 159/11 159/16 159/17 160/11 170/3 170/8 171/2 176/16 178/8 178/13 179/8 180/9 180/11 183/23 186/15 187/14 187/16 194/16 194/16 197/15 197/17 199/15 200/22 200/23 209/25 210/12 210/14 210/18 211/12 215/9 216/20 216/21 216/22	three [25] 8/23 18/15 26/16 26/17 35/16 76/20 83/7 83/21 85/19 88/15 88/22 101/3 112/14 113/8 114/18 126/18 130/15 142/1 163/17 164/5 174/10 189/2 191/20 200/21 210/21 three-day [2] 83/7 83/21 threw [1] 160/12 through [32] 4/19 6/2 6/6 7/1 7/9 8/12 25/1 25/7 32/10 33/9 33/10 33/15 36/11 40/6 53/7 56/17 61/21 62/14 79/12 79/13 79/15 84/10 101/21 110/16 111/21 120/15 130/9 152/1 161/17 179/25 209/4 209/14 throughout [5] 3/22 4/6 83/2 152/2 174/13	tomorrow [6] 212/11 213/12 213/15 213/18 214/23 217/3 too [4] 4/17 11/3 80/24 208/7 took [12] 12/20 30/20 32/7 51/16 51/16 62/22 63/5 135/13 146/3 171/5 187/3 205/8 tool [2] 215/17 215/18 tool marks [2] 215/17 215/18 tools [2] 85/10 85/12 top [28] 17/1 20/15 21/21 27/19 28/7 38/2 38/17 88/14 91/1 96/22 96/24 97/2 100/16 102/6 102/21 103/9 104/23 107/5 107/12 107/13 107/14 114/21 127/6 127/10 127/19 128/11 129/12 199/1
they're [13] 3/19 40/24 42/1 44/10 44/23 84/15 88/25 89/17 110/3 121/12 128/17 130/3 159/10	throw [1] 7/21 thrown [1] 171/3 Thursday [3] 12/1 28/20 213/15	torso [1] 194/4 total [2] 132/3 163/17 totally [1] 46/10 touch [1] 75/12
thing [7] 122/18 122/20 123/9 149/16 164/25 214/15 216/3 things [10] 23/23 24/4 25/2 30/4 45/20 61/5 69/15 123/3 197/13 197/16	tie [1] 56/24 time [98] 5/2 6/1 8/1 13/9 15/21 18/21 19/6 19/13 20/1 20/23 21/1 21/6 22/13 22/16 22/17 23/8 24/16 26/8 26/16 27/9 36/15 49/20 57/17 62/3 62/12 68/7 70/7 76/1 76/2 80/8 88/20 89/5 89/12 89/19 90/19 92/11 93/9 96/13 100/19 101/6 104/11 104/15 106/6 107/23 110/11 110/13 110/13 110/25 111/2 111/17 112/3 114/4 114/9 115/5 117/4 119/15 121/5 122/22 123/4 125/21 126/24 126/25 127/2 128/4 136/8 139/15 139/17 143/3 144/8 149/21 151/22 152/2 152/6 154/10 156/7 156/18 159/19 162/7 163/5 165/16 169/17 170/18 170/20 173/14 175/21 175/23 184/8 185/11 191/16 192/9 194/22 195/1 199/18 199/19 207/8 209/7 210/13 212/8	touching [2] 75/16 75/18 toward [1] 79/23 towards [16] 95/1 95/18 95/25 96/16 96/19 96/21 96/22 98/2 101/18 102/5 104/7 128/11 154/1 154/3 154/5 193/2
think [60] 3/22 6/7 7/12 7/14 7/16 9/2 11/6 29/6 30/2 32/22 37/13 37/22 38/5 48/4 51/5 51/12 51/15 51/22 52/11 53/11 53/12 56/12 62/6 69/6 69/9 71/6 71/18 72/2 72/11 72/16 72/17 72/20 73/4 73/9 74/8 75/16 88/22 108/3 109/25 110/18 111/15 115/23 119/24 124/9 124/18 158/24 161/17 170/3 172/6 175/24 180/1 180/1 189/20 207/14 212/16 214/8 214/12 214/14 214/23 216/12	time-specific [1] 126/25 timeline [3] 7/10 25/8 30/15 times [10] 19/24 36/14 40/11 41/14 86/1 86/7 86/8 94/10 95/10 107/14 timestamp [1] 28/7 Timothy [4] 141/11 141/13 141/17 217/11 Timothy Lee [4] 141/11 141/13 141/17 217/11 tinted [1] 154/7 tip [1] 185/1 tire [1] 179/2 title [6] 142/2 142/15 151/8 151/16 174/20 203/9 today [6] 4/19 5/23 22/24 30/21 212/9 214/7 together [6] 30/11 37/13 58/15 106/19 134/6 161/10 told [18] 20/11 41/8 44/14 53/22 54/19 56/5 56/14 56/17	towed [2] 181/14 181/15 tower [152] 69/24 69/25 84/9 84/23 85/3 88/12 88/12 88/13 88/13 89/6 89/9 89/25 90/1 90/21 91/15 92/3 92/8 92/12 92/16 92/18 93/8 93/19 93/22 93/23 94/2 94/2 94/6 94/6 94/11 94/17 94/20 95/12 95/14 95/15 95/22 96/14 96/17 96/19 96/20 96/21 96/23 96/23 96/25 97/1 97/2 97/4 97/6 97/7 97/8 97/10 98/9 98/23 98/24 99/1 99/18 99/20 100/14 100/14 100/15 100/16 101/12 101/16 101/17 101/19 101/21 102/4 102/6 102/8 102/14 102/16 102/20 102/22 103/2 103/4 103/5 103/7 103/9 103/11 103/21 103/23 104/16 104/19 104/20 104/22 105/3 105/5 105/7 105/21 105/24 106/10 118/20 118/23 118/25 119/3 119/6 119/9 119/11 119/12 119/17 120/20 121/16 121/17 121/23 122/19 123/18 124/14 125/21 125/21 125/24 125/25 126/8 126/13 126/13 126/15 127/5 127/8 127/10 127/19 127/19 127/22 127/23 128/5 128/7 128/7 128/9 128/16 128/22 128/22 128/23 129/9 129/9 129/10 129/12 129/14 129/16 129/19 129/19 129/20 129/20 129/21 129/22 129/22 129/25 130/1 136/12 136/20 136/25 137/11 137/15 138/24 138/25 139/1
thinking [1] 212/19 third [3] 8/19 19/8 84/20 this [324] those [82] 4/14 6/24 8/13 8/20 14/4 14/7 19/19 19/20 24/4 24/14 25/3 29/6 30/24 31/24 35/9 35/13 36/11 40/3 57/21 57/23 58/4 68/4 69/25 71/15 71/23 83/4 84/2 84/2 84/4 84/14 84/18 84/19 85/20 87/24 89/23 94/5 100/19 100/19 100/23 106/21 107/2 109/10 109/12 112/25 113/7 124/11 124/18 124/23 126/17 127/25 129/14 129/23 131/17 132/1 134/18 139/12 139/15 139/17 166/2 166/7 167/13 176/20 178/12 179/20 180/8 182/3 186/17 186/18 186/21 186/22 187/17 196/24 197/25 205/5 205/8 210/5 210/8 210/10 210/25 211/8 211/14 214/10 though [8] 41/17 72/14 121/24 126/8 130/6 130/22 130/25 210/22		Tower 1 [1] 100/14 Tower 111 [1] 102/20 Tower 142 [2] 100/14 100/15

T			transcripts [2] 64/12 67/2			164/4 165/6 165/8 165/10		
Tower 16873 [2] 96/17 97/6			transferred [1] 82/14			U.S. Cellular [1] 84/12		
Tower 215 [2] 101/19 102/14			transponder [1] 112/16			U.S. currency [4] 164/4 165/6		
Tower 23106 [1] 95/14			transported [4] 175/20 176/23			165/8 165/10		
Tower 247 [3] 102/6 103/5			176/25 194/6			U.S. versus Graham [2] 69/17		
103/21			trash [4] 187/13 187/15			69/20		
Tower 280 [1] 100/16			187/15 187/18			Uh [2] 121/14 184/23		
Tower 281 [1] 103/9			traumatic [1] 80/23			Uh-huh [2] 121/14 184/23		
Tower 299 [2] 102/8 103/23			travel [3] 84/9 121/1 176/4			ultimately [6] 8/1 12/22		
Tower 33 [5] 101/17 101/21			traveling [2] 98/2 98/2			59/23 154/13 158/23 163/10		
102/4 103/4 103/11			treating [1] 42/11			unconscious [1] 193/23		
Tower 4416 [2] 96/21 97/1			trial [1] 3/23			under [4] 11/18 108/22 146/5		
Tower 5512 [1] 97/8			triangle [1] 88/15			159/14		
Tower 55512 [1] 97/4			tried [6] 11/6 144/10 148/15			underboss [1] 6/9		
Tower 617 [2] 105/5 105/21			208/24 209/4 211/1			underline [3] 34/1 37/2 38/8		
Tower 6174 [1] 96/14			trouble [3] 33/22 69/18			underlined [2] 33/6 35/13		
Tower 630 [1] 104/22			130/23			underlying [1] 118/19		
Tower 635 [1] 96/23			true [4] 71/17 119/14 119/15			underneath [9] 47/18 78/14		
Tower 638 [1] 104/16			141/2			78/23 78/25 98/13 98/16 166/3		
Tower 663 [2] 105/3 105/7			truth [3] 206/17 206/20 207/4			166/4 167/11		
Tower 73 [3] 102/16 102/22			truthful [1] 148/6			understand [4] 73/13 115/22		
103/2			try [13] 33/23 35/5 39/6			207/10 207/10		
Tower 741 [1] 104/19			41/17 41/23 42/3 42/7 47/8			understanding [2] 4/19 67/21		
Tower 783 [2] 94/20 105/24			75/16 75/19 113/20 123/10			understood [1] 159/24		
Tower 8128 [1] 98/9			203/12			uniform [4] 142/16 146/25		
Tower 9878 [1] 99/20			tryin' [1] 195/22			147/2 203/3		
Tower Number 19674 [1] 95/12			trying [10] 57/3 60/9 92/7			Uniformed [1] 204/13		
Tower Number 638 [1] 94/17			113/16 123/5 196/11 199/8			unit [20] 82/23 82/24 82/25		
Tower Number 891 [1] 94/11			204/20 204/24 207/5			83/5 87/3 142/2 142/15 151/8		
tower's [2] 119/10 122/2			turn [20] 12/10 18/14 20/10			151/9 151/10 151/16 151/18		
towers [45] 71/23 88/9 88/19			20/21 21/15 22/12 24/20 27/1			151/19 151/20 151/21 165/19		
89/1 89/2 89/3 89/5 89/11			90/10 91/12 93/10 93/10 95/4			174/20 174/22 205/13 205/14		
90/19 91/17 91/19 91/25 92/10			96/5 115/12 123/6 123/6			UNITED [7] 1/1 1/3 1/16 29/23		
94/9 95/16 95/21 96/12 99/12			160/16 180/4 196/20			86/8 86/9 213/25		
100/11 100/24 104/15 104/18			turning [29] 22/9 26/5 28/18			United States [4] 29/23 86/8		
105/12 106/21 107/13 113/18			91/22 98/5 99/6 100/7 101/8			86/9 213/25		
122/12 124/18 125/17 125/20			101/25 102/10 102/23 104/8			University [1] 127/20		
126/17 126/20 127/1 128/16			104/24 105/17 106/12 106/25			unknown [1] 62/21		
128/20 129/4 129/4 129/5			164/15 177/14 178/15 178/22			unless [4] 11/4 42/19 45/25		
129/6 129/13 129/15 129/22			179/3 180/15 180/22 182/1			120/20		
130/3 136/17 137/5			183/2 188/3 188/12 189/6			unloading [1] 197/11		
Towson [1] 98/20			189/22			unplug [2] 65/12 65/16		
Towson Mall [1] 98/20			TV [2] 130/1 130/1			unrelated [1] 46/10		
Toyota [3] 155/18 169/16			TV Hill [1] 130/1			until [11] 11/4 24/11 25/10		
172/8			tweet [1] 8/19			106/1 108/9 108/15 110/6		
track [6] 61/19 112/16 112/21			twenty [1] 37/14			122/16 154/23 156/22 217/3		
112/23 113/3 113/3			twice [1] 132/15			unusual [1] 36/6		
tracked [1] 114/12			Twin [1] 154/2			up [91] 4/17 8/2 12/16 12/22		
tracking [1] 115/3			Twin Lakes Circle [1] 154/2			17/1 18/15 20/15 26/1 40/2		
traffic [5] 88/6 143/7 156/23			Twitter [3] 27/25 28/4 41/12			40/20 42/4 42/13 47/3 48/1		
177/11 209/13			two [54] 3/8 3/13 4/13 6/23			49/9 50/20 53/15 54/16 56/11		
trail [1] 12/15			24/14 30/25 30/25 31/24 34/12			56/24 61/25 63/9 64/2 65/6		
trained [4] 167/16 197/7			35/9 35/13 35/19 35/19 38/15			67/16 67/25 70/16 74/18 75/7		
197/11 197/21			58/2 73/10 100/23 104/18			75/16 76/8 76/10 76/19 77/17		
training [15] 83/15 83/18			105/11 106/21 107/2 113/22			88/15 91/1 92/10 92/17 95/1		
84/11 84/13 85/8 85/22 86/23			121/17 129/23 131/23 132/3			95/25 96/24 97/24 98/2 110/5		
151/23 151/25 152/1 159/8			136/17 137/5 137/25 137/25			110/6 113/25 116/4 116/5		
197/9 197/14 197/19 197/24			138/1 139/12 139/15 139/17			120/16 125/23 125/24 126/1		
Trainor [1] 2/7			156/8 162/11 163/21 166/1			127/5 127/6 127/19 128/5		
transaction [1] 114/4			168/15 169/24 170/2 170/14			130/1 132/14 133/13 134/19		
transactions [1] 93/20			170/21 175/20 182/12 183/12			135/23 136/5 138/6 152/19		
transcript [26] 4/18 25/23			186/8 186/8 186/24 187/18			154/5 154/8 155/8 155/10		
25/24 25/24 26/2 27/2 40/17			189/5 195/25 196/19 205/2			170/25 171/1 175/22 177/23		
40/18 64/2 64/5 64/11 64/14			type [4] 156/12 176/14 183/24			179/8 180/1 183/13 184/17		
65/6 65/10 65/23 66/16 162/3			198/3			186/14 189/22 191/19 195/22		
184/3 184/3 184/5 184/17			types [1] 211/14			195/25 195/25 206/12 208/7		
195/5 195/8 198/20 198/22			U			208/15 208/17 209/2 209/16		
217/16			U.S. [7] 69/17 69/20 84/12			210/22 212/2 213/4		
						update [2] 88/21 89/3		

U	V	W
<p>updated [1] 89/6 upon [5] 46/5 83/4 113/6 119/6 200/15 upper [1] 189/17 upset [3] 50/9 77/2 77/4 upward [1] 177/24 us [89] 12/12 12/14 17/17 18/16 19/16 20/11 20/12 21/6 22/9 22/13 25/1 25/7 26/3 27/6 27/18 27/24 30/21 31/21 32/18 40/6 40/13 41/8 43/17 44/14 53/22 57/15 63/20 76/8 79/20 80/14 82/9 83/18 86/24 87/24 90/11 90/11 90/16 91/13 91/22 93/12 94/9 94/22 95/5 95/9 96/12 98/5 98/21 99/7 100/7 100/11 100/20 101/8 101/25 102/10 102/23 103/17 104/8 104/14 104/14 104/24 105/17 106/12 106/25 110/7 113/2 143/6 143/11 151/25 152/18 152/23 153/21 155/9 159/9 160/19 162/5 162/7 166/23 167/9 167/17 168/15 170/12 183/9 183/15 184/8 191/4 194/16 195/8 196/6 214/19 use [18] 65/15 83/8 84/20 85/10 85/11 85/12 85/13 85/14 92/16 92/19 123/13 133/14 150/3 172/2 172/3 180/9 197/15 197/17 used [18] 5/13 62/22 63/5 73/22 83/10 88/10 89/11 90/1 93/20 93/23 94/9 100/12 104/15 112/25 119/12 136/12 149/10 172/13 user [2] 117/25 141/2 uses [49] 94/13 94/15 94/17 94/19 94/20 95/14 95/16 95/18 95/19 95/20 96/17 96/20 96/21 96/23 96/25 97/1 97/2 97/4 97/6 97/7 97/8 97/10 98/18 98/23 98/23 99/18 99/20 100/15 100/16 101/13 101/14 101/15 101/17 101/18 101/19 102/6 102/16 102/18 102/20 103/4 103/5 103/9 103/23 104/19 104/22 105/5 105/7 105/9 127/5 using [46] 8/1 12/12 13/9 14/17 15/21 19/25 65/14 78/16 84/1 88/4 88/4 88/6 88/23 89/9 94/6 94/6 94/11 95/12 96/13 96/14 97/13 98/9 98/25 99/12 100/13 101/12 102/4 102/8 102/13 103/2 103/7 103/11 103/21 104/16 104/21 105/3 106/10 107/13 112/14 112/23 119/11 122/6 143/15 178/5 179/19 197/10 usual [1] 213/16 usually [3] 176/15 198/3 203/6</p>	<p>various [2] 30/9 69/10 vehicle [56] 154/10 154/13 154/20 154/22 154/23 154/25 155/1 155/8 155/9 155/15 155/16 155/17 155/17 155/18 155/20 155/21 155/24 156/9 156/18 156/23 156/24 157/3 157/4 157/8 157/9 157/13 157/18 157/23 157/23 157/24 158/2 158/3 158/11 158/21 159/14 165/19 165/23 166/6 167/14 167/18 176/5 176/7 177/11 177/19 178/11 178/12 178/17 178/20 178/24 179/5 179/9 181/14 181/14 181/16 188/2 209/13 vehicles [1] 185/18 Verizon [12] 84/12 87/21 90/18 90/21 91/16 91/17 100/9 102/2 107/7 107/10 118/15 118/17 versa [1] 4/2 versus [4] 69/17 69/20 128/16 213/25 very [31] 4/9 8/15 39/17 41/17 46/24 47/1 49/17 58/4 65/5 65/11 65/19 67/11 68/11 72/9 76/11 80/25 81/5 89/17 90/23 91/1 91/4 141/5 172/20 179/7 180/6 202/9 208/24 209/10 211/24 213/19 214/6 via [1] 10/13 vice [1] 4/2 vicinity [1] 204/14 victim [12] 8/17 8/18 9/7 9/11 9/23 10/14 25/11 193/18 193/19 193/20 193/21 195/18 victim's [2] 28/9 177/18 victims [4] 175/20 176/23 176/25 185/18 video [27] 8/24 16/2 61/8 190/16 190/17 190/21 190/24 191/9 191/10 191/11 191/20 191/23 191/25 192/5 192/6 192/22 193/6 193/9 200/1 200/3 200/9 200/15 200/19 201/15 201/23 208/19 208/22 view [2] 153/22 161/8 viewed [1] 200/14 views [1] 216/10 VIII [1] 1/13 violation [1] 156/23 violence [1] 144/5 violent [4] 82/13 82/15 82/18 82/19 Virginia [1] 86/14 voice [7] 35/9 36/1 38/8 38/11 39/3 74/17 88/6 voicemail [1] 131/16 voices [1] 77/6 VOIR [2] 81/20 217/10 VOLUME [1] 1/13 Vosges [5] 152/10 152/14 153/2 153/5 153/23 Vosges Road [5] 152/10 152/14 153/2 153/5 153/23 vs [1] 1/4</p>	<p>W-I-L-D-E [1] 81/18 Wagster [4] 212/18 215/15 215/24 216/17 wait [4] 11/3 135/5 206/11 206/11 walk [5] 25/1 25/7 192/14 192/17 193/4 walked [1] 155/18 walking [7] 153/5 153/7 153/25 154/2 154/5 169/14 201/23 wall [1] 79/1 wanna [1] 65/21 want [66] 4/16 7/22 8/5 12/10 13/6 14/20 16/20 20/10 20/21 21/15 22/1 22/12 23/13 25/21 27/1 27/13 42/6 47/8 47/15 53/6 61/25 63/2 65/4 65/22 66/14 66/16 69/12 76/4 90/10 91/12 93/10 96/5 115/14 122/23 123/1 133/10 133/14 134/25 142/19 152/5 152/21 160/14 161/2 161/17 162/1 162/15 164/11 166/18 175/8 177/5 183/4 184/1 185/4 187/4 191/2 191/8 193/25 196/20 197/2 205/24 207/7 207/12 212/17 214/15 215/25 216/7 wanted [4] 63/19 143/11 144/16 213/4 wanting [1] 41/23 wants [5] 51/12 52/10 55/20 71/25 108/10 warrant [6] 84/15 113/3 162/17 162/23 163/5 166/1 was [468] wasn't [5] 36/17 55/24 79/18 193/22 206/23 watched [2] 155/17 193/6 watching [1] 169/10 waves [7] 84/9 119/23 120/2 120/14 120/22 121/1 121/11 way [36] 4/25 7/13 9/12 12/17 24/24 34/7 56/25 66/18 79/2 79/15 91/2 92/22 94/21 95/1 95/22 95/25 100/1 105/25 106/9 106/11 110/18 110/22 111/22 120/8 121/1 125/24 135/24 136/5 137/21 138/2 138/6 138/16 159/8 171/10 179/9 179/9 ways [2] 112/14 207/23 we [193] 3/6 3/7 3/15 4/10 4/11 4/24 5/5 5/18 6/5 6/10 6/22 8/21 8/21 10/15 11/1 11/3 12/1 12/1 12/4 12/24 13/3 19/21 20/18 20/23 22/19 23/4 23/11 23/17 23/21 24/17 24/23 26/25 27/18 28/12 38/5 39/10 39/21 40/19 41/12 42/8 43/19 47/5 48/4 49/12 49/13 49/14 50/2 50/16 51/25 52/2 52/6 54/7 56/12 56/24 58/15 58/16 60/7 60/7 60/8 60/24 61/1 63/20 69/1 69/5 69/6 70/4 70/10 70/11 70/14 70/22 70/23 71/12 76/12 76/13 77/22</p>
<p>V value [3] 9/8 9/13 168/1</p>		

W	Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 256 of 258	
we... [118]	77/24 79/8 83/2	weighed [1]
83/7 83/21 84/8 84/11 84/13		weighing [1]
84/17 84/20 84/21 84/21 84/22		weight [1]
84/22 84/24 84/25 85/1 85/4		Welcome [2]
85/7 85/13 85/13 86/16 89/6		well [63]
93/17 96/7 96/9 97/24 98/20		11/2 13/15 29/12 31/14 31/18
99/22 104/11 105/11 106/6		31/20 37/18 38/18 41/3 41/6
107/13 107/20 107/22 107/23		41/22 42/13 42/19 43/7 43/20
108/3 108/18 109/3 109/12		45/6 49/19 50/2 52/24 53/5
109/16 110/5 110/25 111/9		55/12 58/19 67/22 72/2 72/12
111/20 113/1 113/5 113/5		73/23 76/11 83/17 86/15 111/3
113/6 113/16 118/22 122/9		112/20 112/21 113/24 114/11
122/10 123/15 129/3 129/4		116/5 119/4 119/21 122/20
135/5 143/8 144/7 144/12		127/2 129/4 131/23 133/3
145/16 160/24 164/13 164/16		136/14 136/18 161/20 165/12
164/24 165/19 166/10 166/13		166/7 166/20 168/14 176/2
166/15 173/2 173/6 174/12		179/2 188/21 191/7 197/20
175/16 177/15 178/15 178/22		200/1 206/7 210/20 214/2
179/4 180/5 180/16 180/22		214/24 216/4
181/5 181/7 181/20 182/1		went [22]
183/5 187/5 187/20 188/3		77/17 79/21 82/17 83/6 126/20
188/6 188/25 189/6 189/10		126/22 144/12 147/11 148/8
190/17 190/17 190/19 193/6		153/17 153/19 154/23 175/25
193/19 193/21 193/23 194/10		205/5 208/10 208/14 208/18
197/15 197/17 197/18 200/15		208/24 209/2
201/15 201/22 202/7 207/11		were [238]
212/10 212/14 213/6 213/12		were .40-caliber [1]
215/2 215/13 215/22 215/25		weren't [2]
216/4 216/13		Wesson [2]
we'll [14]	11/14 11/17 48/1	west [17]
68/15 68/18 68/19 74/5 108/8		48/8 86/14 90/19 91/5 95/19
108/15 173/3 173/7 213/14		96/16 101/5 102/5 103/6
213/17 217/3		113/17 125/13 133/20 135/21
we're [50]	7/7 18/16 20/16	143/10
21/21 22/13 22/16 25/7 27/24		West 22nd [2]
63/20 65/10 70/14 70/16 71/11		48/8 101/5
83/24 84/3 90/17 91/13 91/23		West 22nd Street [2]
93/13 93/21 94/22 95/5 96/8		96/16
96/10 98/5 99/7 100/3 100/8		135/21
100/9 101/8 101/25 102/10		West Baltimore [3]
102/23 103/17 104/9 104/24		90/19
105/17 106/13 106/25 108/4		102/5 113/17
113/17 145/19 152/23 153/21		West Lanvale [2]
159/2 177/7 183/9 183/15		37/13 48/4
191/17 193/5		West Virginia [1]
we've [7]	20/3 20/8 24/18	86/14
51/6 72/16 88/22 106/18		Whalen [12]
weapon [7]	77/8 186/4 186/4	1/18 28/23 34/17
197/12 211/1 211/2 211/2		51/12 53/19 55/20 168/4
weapons [1]	197/19	198/11 214/7 214/18 215/3
wear [1]	169/4	215/4
wearing [4]	61/18 146/25	Whalen's [1]
195/19 195/20		10/20
weather [3]	120/19 120/20	what [287]
121/5		what's [25]
wedge [2]	98/12 98/16	13/14 13/24 16/20
wedges [3]	93/21 93/22 97/2	17/4 17/15 22/5 32/12 42/17
Wedlock [15]	15/5 15/7 16/22	52/22 57/7 70/22 86/20 87/15
19/25 24/4 25/14 25/14 36/8		92/7 110/10 122/5 142/2
40/9 52/6 52/16 52/19 52/21		147/19 152/21 152/21 158/15
53/7 53/13		159/5 166/18 195/4 206/20
Wedlock's [2]	19/21 52/4	whatever [2]
Wednesday [1]	213/15	122/7 122/7
week [12]	4/23 5/6 8/9 26/22	wheel [1]
44/14 55/9 55/9 84/8 84/11		182/5
84/20 84/25 86/3		when [71]
weeks [2]	84/7 199/20	6/23 7/18 10/24
		11/7 12/1 16/23 18/23 30/25
		31/21 33/22 34/11 34/15 36/11
		44/14 48/4 59/13 64/3 65/22
		76/24 77/10 84/15 92/4 92/24
		93/3 93/25 99/16 100/22
		100/25 108/1 115/5 121/13
		122/20 127/8 132/10 142/25
		143/3 144/6 148/8 149/4 149/7
		149/16 153/4 153/24 160/10
		165/16 170/1 170/11 171/21
		176/1 176/24 177/1 180/9
		180/10 182/14 183/20 185/15
		185/16 194/22 195/10 195/14
		196/3 196/14 199/17 201/1
		201/18 201/22 203/5 204/18
		207/3 208/17 210/14
		where [114]
		3/19 5/23 9/21
		12/14 12/18 12/19 12/22 12/24
		22/20 23/23 25/2 26/15 28/15
		42/21 45/13 45/20 46/1 46/14
		48/23 50/14 58/17 58/24 65/23
		66/16 69/10 73/14 74/23 75/2
		77/12 78/16 78/22 79/12 79/22
		82/12 82/15 82/17 83/7 83/24
		90/21 93/8 97/14 99/2 99/23
		100/24 109/20 109/24 113/16
		114/3 115/4 119/5 119/6 119/8
		119/10 121/23 127/7 127/15
		128/10 128/12 128/12 128/16
		129/1 130/2 134/3 134/12
		134/15 134/22 135/11 135/13
		136/1 139/16 139/17 142/7
		143/15 145/18 152/8 152/25
		153/23 153/24 155/9 155/11
		155/13 158/12 158/12 159/16
		165/13 166/3 167/11 168/16
		172/7 174/15 177/10 177/10
		177/20 178/5 181/25 183/12
		183/19 184/18 187/11 187/11
		187/23 191/4 195/21 195/24
		196/6 196/9 196/11 197/14
		199/1 200/8 200/9 201/12
		205/8 216/16
		whereas [1]
		127/18
		whether [17]
		49/10 51/17
		52/10 54/22 57/13 62/17 62/18
		62/21 63/4 114/4 119/2 119/17
		128/14 130/3 170/25 215/17
		215/22
		which [123]
		3/18 4/18 7/13
		10/9 15/20 15/25 20/10 21/16
		36/12 40/19 46/19 49/5 55/14
		57/2 58/9 60/3 65/11 66/17
		73/22 75/14 77/12 79/23 81/24
		82/19 83/23 86/7 88/9 89/25
		90/1 90/1 91/1 91/4 92/3
		92/12 92/18 93/7 93/16 94/9
		94/10 94/12 94/17 94/20 95/14
		95/18 95/19 95/21 96/7 96/14
		96/21 96/24 97/2 97/4 97/6
		97/8 97/11 98/12 99/21 100/9
		100/11 100/16 101/17 101/19
		102/4 102/6 102/9 102/14
		102/16 102/18 102/20 103/2
		103/4 103/5 103/9 103/12
		103/22 103/24 104/17 104/19
		104/23 105/4 105/5 105/8
		105/21 105/24 105/24 107/5
		107/8 107/10 110/4 110/12
		113/12 113/23 114/13 118/20
		118/23 118/25 119/19 122/18
		127/12 136/12 141/23 142/17
		145/4 151/6 151/18 155/18
		158/8 159/10 160/11 165/19
		167/2 167/8 167/25 174/5
		176/13 177/23 178/12 193/6
		197/15 206/18 209/7 214/9
		216/21
		whichever [1]
		41/5
		while [9]
		4/17 64/6 71/11
		77/4 144/12 153/3 155/16
		169/16 202/25

Case 1:16-cr-00267-LKG Document 1363 Filed 11/21/19 Page 257 of 258		
W	99/4 99/5 100/1 100/2 101/23 134/10 134/22 143/2 155/6 156/22 174/25 175/12 175/17 177/9 185/9 187/6 Windsor Mill [12] 99/4 99/5 100/1 100/2 134/22 143/2 174/25 175/12 175/17 177/9 185/9 187/6 Windsor Mill Road [4] 94/18 95/1 155/6 156/22 wire [2] 195/4 195/5 Wire G [1] 195/4 wiretap [4] 34/10 194/23 198/17 198/18 wise [1] 214/23 within [10] 52/17 94/4 94/5 113/18 124/7 124/9 124/10 128/24 129/1 174/13 without [4] 32/2 40/6 152/18 194/16 witness [46] 5/18 5/22 5/22 6/3 7/18 11/11 11/17 11/20 47/17 48/15 48/25 50/24 51/9 52/8 56/23 68/13 68/15 68/22 68/24 68/24 69/4 74/8 74/11 81/8 81/9 81/13 108/8 110/7 111/6 111/21 111/21 116/7 116/10 116/11 141/8 141/10 141/13 150/16 150/18 150/22 172/23 172/25 173/13 173/17 212/4 217/6 witness's [1] 86/22 witnesses [2] 205/21 208/10 WL1130 [1] 213/25 woke [1] 76/19 woman [6] 54/24 66/12 66/13 66/14 66/22 148/20 woman's [1] 66/17 won't [1] 193/18 Woodbury [1] 96/24 Woodlawn [1] 159/17 word [6] 42/4 85/13 92/3 172/2 172/3 199/8 words [5] 3/22 58/12 169/2 195/25 201/18 work [10] 43/5 81/24 82/21 120/25 121/5 151/6 151/7 174/15 174/24 175/2 worked [3] 82/13 82/15 82/17 working [11] 11/3 83/11 142/21 143/1 146/20 146/23 152/6 174/18 175/9 185/6 202/19 works [2] 65/16 120/23 worn [1] 109/4 would [122] 3/15 4/14 4/25 5/3 5/6 5/12 6/2 7/21 9/7 9/9 9/11 31/3 31/3 37/1 37/12 41/7 44/12 44/13 45/9 45/18 45/24 46/1 46/4 46/24 52/25 53/2 53/7 55/20 57/4 57/5 60/17 61/19 65/19 67/25 69/7 70/10 73/20 73/25 73/25 75/14 80/16 86/16 89/18 89/24 92/5 106/11 110/12 110/18 110/19 110/24 111/25 112/4 112/6 112/20 113/1 113/9 113/10 113/14 114/10 115/21 116/1 121/20 121/21 122/17 122/19	124/11 124/17 124/17 125/2 128/14 129/4 129/10 133/7 138/5 143/15 150/3 150/17 153/22 155/15 158/6 161/5 161/5 166/3 167/11 171/2 175/2 177/12 177/22 177/22 177/23 177/24 180/9 180/9 180/12 180/12 188/1 189/11 189/12 189/19 191/6 191/18 198/6 201/19 201/22 203/6 208/20 210/12 210/13 210/15 210/22 211/1 211/7 211/12 212/13 212/17 212/21 212/22 213/11 215/9 215/14 215/25 216/7 wouldn't [7] 42/14 97/12 122/20 128/13 129/9 171/3 193/10 wound [2] 42/21 154/5 wounds [3] 26/24 43/6 182/12 writing [2] 148/1 158/14 written [1] 51/10 wrong [3] 50/11 50/13 130/13 wrote [4] 147/14 147/24 149/16 204/3 Y Y-O-U-N-G [1] 150/25 yard [2] 79/13 79/13 yards [2] 46/1 46/9 yeah [40] 20/25 24/9 25/8 26/16 26/21 27/25 28/17 29/21 31/16 32/8 33/4 33/25 35/7 37/15 39/23 41/14 42/7 43/1 44/20 44/23 45/12 45/15 46/7 47/9 47/21 49/22 50/16 56/21 60/7 61/13 63/3 66/1 79/16 129/12 129/14 130/23 177/4 180/17 183/10 215/12 year [3] 113/16 122/16 151/12 years [15] 46/21 46/23 82/2 82/8 85/20 88/22 89/18 142/1 142/11 151/15 151/21 174/10 174/17 197/4 210/21 yellow [5] 44/10 180/7 180/13 180/17 188/7 Yep [1] 137/22 yes [527] yet [3] 5/12 43/13 111/12 York [2] 213/25 214/1 you [1015] you'd [4] 108/24 112/23 130/6 134/1 you'll [2] 125/6 172/25 you're [33] 11/18 23/24 31/24 34/11 41/23 43/12 43/16 46/24 49/24 65/14 68/12 75/21 79/2 79/9 88/4 88/5 88/6 108/1 108/22 110/20 114/6 115/3 116/1 119/8 119/19 122/8 129/11 133/22 135/3 141/7 153/1 189/19 200/15 you've [11] 19/16 20/11 40/4 41/8 46/21 94/24 147/4 200/14 201/7 209/19 209/24 young [8] 150/20 150/22 150/25 161/4 168/8 169/24 170/1 217/12 your [197] 3/4 3/5 3/8 4/12

your... [193] 4/17 4/23 5/20
 8/4 10/5 10/22 12/10 13/7
 15/20 20/10 24/20 28/24 29/7
 37/11 45/15 48/6 49/9 50/22
 51/19 52/3 53/22 54/8 61/21
 62/10 62/14 62/18 63/11 63/17
 63/19 64/17 64/24 65/7 67/7
 67/11 67/21 68/23 69/12 69/14
 72/9 72/22 73/19 74/4 74/10
 74/14 74/17 76/4 76/24 76/25
 77/12 77/20 79/21 79/22 79/22
 79/22 80/3 80/12 80/12 80/16
 80/17 81/10 81/12 81/17 82/3
 82/9 84/9 84/9 86/16 87/3
 88/16 89/17 90/3 90/10 90/16
 92/4 92/21 93/2 93/11 93/12
 94/8 95/9 96/5 101/4 106/12
 108/3 108/25 109/16 109/20
 112/4 113/22 113/24 114/1
 114/1 114/12 116/15 117/2
 117/6 117/19 117/22 118/4
 118/20 121/21 122/13 122/24
 123/13 125/6 127/6 128/13
 129/11 130/2 130/12 133/10
 133/12 133/24 134/4 134/8
 135/19 136/15 139/3 139/4
 139/7 140/7 140/10 140/18
 140/22 140/25 141/12 141/16
 142/2 142/15 147/13 147/16
 150/8 150/19 150/21 150/24
 151/8 151/16 151/22 152/5
 159/8 160/24 161/3 161/7
 162/15 163/8 166/3 167/16
 168/5 172/19 172/21 173/1
 173/14 173/16 173/20 174/11
 174/20 174/24 175/2 175/8
 178/22 184/21 184/22 185/4
 189/12 189/20 192/9 192/16
 197/4 197/24 197/24 198/1
 202/13 203/9 203/9 203/12
 203/24 204/3 204/6 206/16
 207/15 211/4 211/13 211/17
 211/22 211/25 212/2 212/17
 212/19 213/16 214/13 214/24
 215/3 215/23

Your Honor [61] 3/4 3/5 3/8
 4/12 4/17 4/23 5/20 8/4 10/5
 10/22 28/24 50/22 51/19 52/3
 63/11 63/17 63/19 67/7 67/11
 68/23 69/14 72/9 72/22 73/19
 74/4 81/10 86/16 108/3 108/25
 109/16 109/20 116/15 117/2
 122/24 133/12 133/24 140/7
 140/10 140/22 147/16 150/8
 150/19 160/24 161/3 168/5
 172/19 172/21 173/1 173/14
 198/1 202/13 203/24 206/16
 207/15 211/17 211/22 211/25
 212/17 212/19 214/13 215/3
 Your Honor's [2] 214/24
 215/23
 yourself [2] 85/18 200/1

Z

zoom [1] 33/22
 Zweizig [3] 1/23 217/15
 217/19